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THE ECONOMIC HISTORY OF ENGLAND

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AN INTRODUCTION

TO THE

ECONOMIC HISTORY OF ENGLAND

BY

E. LIPSON, M.A.

TRINITY COLLEGE, CAMBRIDGE

EXAMINER IN HISTORY TO THE UNIVERSITY OF ABERDEEN

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PREFACE

WITHIN recent years there has been a large and welcome accession of printed materials for the study of English Economic History. The Patent Rolls and similar publications, as well as an invaluable series of town records, including the Letter-Books of London and the Records of Bristol, Colchester, Coventry, Leicester, Northampton, Norwich, and York, have now become available. The importance of these publications, which present what is largely a virgin field for the investigator, will be readily recognized.

The purpose of the present volume is to utilize both the older sources of evidence and the new material which has so extensively accumulated.

My thanks are due to Mr. W. F. W. Mortlock, Trinity College, Cambridge, and Mr. F. P. Wilson, Lincoln College, Oxford, for their assistance in reading the proofs.

E. LIPSON.

OXFORD, *June* 1915.

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ECONOMIC HISTORY

CHAPTER I

THE ORIGIN OF THE MANOR

The problem of the manor.

THE term manor came in with the Norman Conquest[1], but the manorial system itself was not the work of the Normans. It was already in full growth when William first set foot on English soil, although continental ideas profoundly modified its later development. Beyond this point, however, certainty ends, and it is still disputed among historians whether on the eve of the Conquest the manor was comparatively a recent institution, or whether it was the original basis of English society. The problem of the manor has accordingly given rise to two schools, the Manorial and the Teutonic. The former connect the manor with the Roman system of land-holding which, they assert, was adopted by the English invaders as the basis of their settlement. The latter maintain that the Saxons settled on the soil in free village communities of peasant proprietors, who gradually lost their freedom and developed into the villeins of Domesday Book. The issue between the two schools is not a barren speculation, but a matter of the greatest historical importance. It involves the fundamental question whether the starting-point of our history is the freedom or the servitude of the great mass of the nation. The Roman theory of the manor implies that from the first the rural population of England consisted, not of a race of free peasants tilling

[1] "This name Mannor began with the Normans . . . for I finde noe suche name with the Saxons": *A Mannor and Court Baron* (*Harleian MS.* 6714), ed. N. J. Hone (1909), p. 11.

their own lands, but of dependent serfs in a condition of legal and economic subjection to their lord, the doctrine of 'original Teutonic freedom' being replaced by one of aristocratic domination. The alternative theory holds that the village community in its primitive stages was entirely free from any manorial lordship, and was composed of independent landowners owning the land they occupied. Upon the view adopted depends our interpretation of the economic history of England for a thousand years after the coming of the English. If the foundations of English life rested from the outset upon serfdom, then the course of English social development has been from slavery to freedom. But if the fabric of English society was based on freedom, then the course of evolution was in the direction of legal and economic dependency. Thus the problem of the manor runs like a thread throughout the mediaeval half of English history.

The manorial school.

The position of the manorial school is expressed in the view that "more things went to the 'making of England', than were imported in the keels of the English invaders of Britain"[1]. The English manor is regarded as the outcome of two elements, the Roman villa and the Teutonic tribal system. The Roman villa—the prevailing type of estate under the later Roman Empire—was a large private estate worked originally by slaves under the control of a *villicus* or steward, but tending to become increasingly like a manor owing to the addition of *coloni*[2]. These *coloni* were semi-servile tenants, who had each his own homestead and land but paid tribute to the lord, thus bearing a close resemblance to serfs. They were recruited from barbarians settled within the Empire, or from free tenants whom the burden of taxation had driven to abandon their liberty. Besides this marked similarity between the villa and the manor, proof is advanced of actual historical connexion between them, the evidence for this being drawn chiefly from Gaul[3]. In fact, in all the Roman provinces which passed under Teutonic sway the villa continued to survive, and the result of the Conquest is therefore represented as

[1] F. Seebohm, *The English Village Community* (1883), p. xv.
[2] *Ibid.* 263. [3] *Ibid.* 269.

mainly a change of lordship[1]. The Roman lord of the villa gave place to the Teutonic lord of the manor, while the servile cultivators of the soil remained unchanged. The ease with which barbarian chieftains and tribesmen stepped into the position of the Romans, and were absorbed into the complex arrangements of Roman society, is explained by the assertion that in their own country they were lords of serfs[2]. Tacitus's account of the ancient Germans is interpreted to show that their tribal system comprised manorial elements. German slaves, when not attached to the household, were servile tenants over whom the tribesmen exercised a manorial authority. It was natural, then, that the Teutonic settlements in the conquered Roman provinces should be on manorial lines; the Teutonic and Roman land-systems so closely resembled each other that they easily combined to create the manorial system of mediaeval Europe[3].

The argument from analogy.

Admittedly no direct evidence exists to prove the continuity of the Roman villa and the English manor, but everything is held to indicate that the process which evolved the manor on the continent was at work in this country. The identity of the manorial system in England with that of North France and Western Germany points to their common origin, but the latter was clearly the outcome of Roman influences[4], and so justifies the view that similar influences produced the English manor. Moreover, many features of the manor can only be explained by the theory of a Roman origin. In the first place, the distinction between the tributary holdings of the servile tenants and the demesne round which they were gathered, comprised the essence of the manorial idea[5], but was absent from the economic systems of both Wales and Germany. Welsh society included a class of tenants, termed taeogs[6], who were settled on the soil and furnished contributions to the chief of the tribe. But they were a separate community, situated apart from the free tribesmen and working their holdings for their own

[1] Seebohm, *op. cit* 415. [2] *Ibid.* 345, 415. [3] *Ibid.* 367.
[4] W. J. Ashley, *The Origin of Property in Land* (1891), p. xxviii.
[5] *Infra*, p. 30.
[6] F. Seebohm, *Customary Acres and their Historical Importance* (1914), 17; P. Vinogradoff, *The Growth of the Manor* (1905), 24-29.

benefit. The tribesmen themselves were not lords of manors, "an aristocracy of idle conquerors living on the produce of servile labour", but cultivators of the soil who maintained their households by their own exertions. Similarly, the German land-system, if Tacitus's description of the first century is applicable to the fifth, may have exhibited some manorial tendencies, but there was certainly no intimate relation established between the home farm and the dependent holdings, no concentration of labour and capital upon one and the same estate—the distinctive marks of the manorial system. On the other hand, the distinction between the demesne and the *villenagium*[1] is an important feature of the villa, and accordingly is regarded as conclusive evidence that the English system of land-holding was developed from the Roman.

The agrarian 'shell'.

A second characteristic of the manorial community was the nature of the agrarian 'shell' into which it fitted, namely the Open Field System of cultivation. On this feature of the manor the evidence of Hanssen is cited: "The Anglo-Saxons and the Frisians and Low Germans and Jutes who came with them to England cannot have brought the three field system with them into England, because they did not themselves use it at home in North-West Germany and Jutland"[2]. In North-Germany, which was free from Roman influences, the one field system prevailed, and here was the home of the English invaders. But the three field system is found in Roman provinces[3] or in districts adjoining them, and must therefore be attributed to the Romans, who seem to have introduced it into Britain. Britain during the Roman occupation formed "the granary of the North", and the importance of its corn tribute led the Romans to improve its methods of tillage. Further, the English manor, besides reproducing the fundamental features of the villa, retained many of the actual historical usages of the Romano-German provinces[4].

[1] Ashley, *Origin of Property*, p. xxviii.
[2] Hanssen, *Agrarhistorische Abhandlungen*, 496; *cit.* Seebohm, *Village Community*, 373.
[3] Seebohm, *op. cit.* 380, 413.
[4] *Ibid.* 326, 421.

The mediaeval system of taxation based on the hidage, and many of the menial services exacted from the serf, were survivals of the Roman land-system.

Documentary evidence.

Other arguments are advanced in favour of the Roman origin of the manor. There is documentary evidence, extending back to the seventh and even sixth century, to show that Saxon estates of a manorial type existed in England for hundreds of years before the Norman Conquest[1]. Of these Anglo-Saxon documents the best known is the *Rectitudines Singularum Personarum* belonging to the eleventh century[2], which affords a general picture of serfdom that only lacks Norman terminology to make it complete. It is supplemented by other documents which describe two early English estates of a manorial character, Tidenham and Stoke. Lastly, the laws of Ine (seventh century) and of Ethelbert (sixth century) are interpreted in favour of a manorial structure of society. It follows, therefore, that almost immediately after the English Conquest the manor had become the prevailing type of estate, and must accordingly have been the original basis of the Saxon settlements. The intervening period is too short to allow of the alternative theory that England was covered with free village communities, which were gradually reduced to manorial subjection. Thus on the one hand the mediaeval manor traced its most characteristic features to the Roman villa, while on the other it was prevalent among the Anglo-Saxons very soon after their conquest of Britain.

Nature of the tenurial holdings.

This conclusion is also reached by another line of argument based upon the indivisible nature of the tenurial holdings. The universal feature of the mediaeval village community was the equality of the holdings, which almost everywhere conformed to a uniform standard[3]. From the earliest times the normal type of peasant holding was the yardland, or virgate, consisting of thirty acres scattered in strips over the open fields. These virgates were never divided among heirs, and for centuries had passed from father to son without

[1] Seebohm, *op. cit.* 126-180.
[2] F. Liebermann, *Die Gesetze der Angelsachsen* (1898), i. 444-453.
[3] *Infra*, p. 33.

losing their unity. But this equality in the tenements, which was maintained by the rule of undivided succession, could only have proceeded from their servile character. It was the distinctive mark of the free holding that it could be divided among heirs or otherwise alienated, and accordingly free tenants could at once be singled out by the irregularity of their holdings. Now if the great mass of peasants had once been free, the equality which characterized their holdings would speedily have disappeared, and certainly not have lasted for many centuries. Its uniformity and its permanence can only be accounted for by the supposition that the bulk of the holders of yardlands had at no time possessed that right of alienation, which their servitude alone could have denied to them. The system of indivisible holdings on the mediaeval manor is accordingly held to prove its servile origin, and this inference confirms the contention that the manor was a continuation of the villa.

The Teutonic school.

Another school of thought insist upon the Teutonic aspect of English history—though the importance of the Celtic element now receives wider recognition[1]. They reject the doctrines of the manorial school, and regard the manor as a native growth which owed little or nothing to Roman influences. We have to consider, therefore, the grounds on which they deny the Roman origin of the manor, and the alternative hypothesis advanced in its stead.

Teutonic aspect of English history.

The Roman theory of the manor involves certain social implications which seem to destroy completely the validity of its premises. If the Saxon invaders adopted the Roman land-system and the manor was always the normal type of estate, then the character of the English Conquest has been entirely misconceived, and we must suppose that the Roman occupation of Britain left permanent traces which deeply affected the subsequent development of the English nation. In place of the utter destruction of Roman civilization with which the Conquest is usually associated, it would follow that Roman organization, social and economic, continued to survive with few or no changes. The Celtic population, instead of being exter-

[1] *Infra*, p. 75 (*n.* 6).

minated or displaced, would have remained as the basis of the new civilization, and the Saxons could only have formed a comparatively small body which assumed the position vacated by the Romans. This implies that the foundations of English life, instead of being predominantly Teutonic, were mainly Roman and Celtic. The Saxon Conquest, it is maintained, did not destroy existing society, and the English state was built upon the ruins of the past[1]. "The object of the races who broke up the Roman Empire", Pearson holds, "was not to settle in a desert, but to live at ease as an aristocracy of soldiers, drawing rent from a peaceful population of tenants". Most elaborate of all were the 'learned and ingenious' theories of Coote in his work on the Romans of Britain. The Anglo-Saxon invaders, he contended, did not make a *tabula rasa* of Britain[2]; they were "sufficient only to provide masters for the conquered race, not colonizers"[3], and the natives were spared to minister to their wants. All the institutions of early English society, the shire, the hundred, the tithing, the *trinoda necessitas*, the borough and the gilds, were traced to a Roman origin[4]. These conclusions are the outcome of the Roman theory, but they are irreconcilable with the Teutonic colouring of English history and cannot therefore be accepted. The English language, law and religion, and the names of English villages, seem decisive proof that the masses of the people were not of Celtic but of Teutonic blood. Philologists appear to agree with the statement that our language contains "few Celtic and still fewer Latin words"[5]. "The tendency of modern scholarship", says a recent writer on philology, "is to decrease the number of Celtic words in English

[1] C. H. Pearson, *History of England* (1867), i. 101, 103. That the invaders would step into the place of the Roman lords is also inferred by Seebohm, *Village Community*, 421; Ashley, *Origin of Property*, p. xxxii *seq.*

[2] H. C. Coote, *The Romans of Britain* (1878), p. vi.

[3] *Ibid.* 199.

[4] *Ibid.* 341 (hundred, etc.); 362 (borough); 397, 410 (gilds); 422 (native Christianity paved the way for the work of St. Augustine); 424 (A.-S. coinage was the old Roman money of Britain); 236, 376, 439 (the old Roman settlers dwell apart in cities); 262-264 (the Roman estate, or *centuria*, survives as the hide, or A.-S. family holding).

[5] E. A. Freeman, *The Norman Conquest* (1870), i. 16. Contrast Pearson, *op. cit.* 102 and App. A; and Coote, *op. cit.* 36 *seq.*

". . . the number of Celtic words adopted into English before the twelfth century is less than a dozen, and several of these were probably imported from Ireland or the Continent" [1]. If the bulk of the nation had been other than Teutonic, it is impossible to believe that more numerous traces of their speech would not have been imprinted on our language; and their absence is "an objection which goes to the root of the whole matter" [2]. As to law, Stubbs declared that "the vestiges of Romano-British law which have filtered through local custom into the common law of England . . . are infinitesimal" [3]. In religion the Saxons remained heathen for a century and a half, while their ultimate conversion was the work of missionaries from Rome. The names of our villages, we are also told, "are so overwhelmingly English that a British name is almost as rare as a British word in our language" [4]. It is extremely improbable that a small group of settlers, planted in the midst of a Celtic village, would have been able to impose its own nomenclature upon the native population, when we bear in mind how stubbornly the inhabitants of a village cling to the old traditions and landmarks. All this makes it incredible that the Celts formed the most considerable element in the population [5]. Moreover, Bede tells us that the homes of the Angles were left empty, and this indicates a migration of tribes and not of a mere handful of piratical chieftains [6].

Roman influence on Britain.

There is a wide divergence of opinion as to the extent of Roman influences on Britain and the nature of the English Conquest. Britain was ordered after the usual manner of Roman provinces, and appears to have attained some con-

[1] L. P. Smith, *The English Language* (1912), 50. Similarly, H. C. Wyld, *The Historical Study of the Mother Tongue* (1906), 238.

[2] F. W. Maitland, *Domesday Book and Beyond* (1897), 222.

[3] W. Stubbs, *The Constitutional History of England* (6th ed.), i. 67.

[4] W. H. Stevenson in the *English Hist. Review*, iv. 358; these names must "record an enormous displacement of the native population."

[5] Freeman did not hold, as is often supposed, the theory of *complete extermination*: *Four Oxford Lectures* (1888), 69, 74-75, 85.

[6] *Venerabilis Baedae Opera Historica* (ed. C. Plummer, 1896), i. 31; c. 15. Chadwick (*The Origin of the English Nation*, 1907, p. 185) regards Bede's statement as an exaggeration, but seems to agree with the main contention.

siderable degree of civilization. It was governed by Roman officials and planted with Roman settlers, who reproduced the familiar features of Roman life and culture. Roads were constructed, the most permanent fruit and abiding witness of the Roman occupation; improved methods of tillage were introduced, mineral wealth was exploited[1], and the resources of the country were energetically developed. None the less Britain always remained the outpost of the Empire, valuable only for its strategical position and for its corn-tribute. It was the last province to be acquired and the first to be abandoned; while its civilization was superficial and not deep-rooted. Gaul and Spain[2] were completely transformed by the thorough permeation of Roman influences; but in Britain Celtic life flowed on undisturbed. The arrangements of tribal society continued side by side with the large private estates of the Roman landowners, for the existence of a landed aristocracy was not incompatible with the continued survival of Celtic life in all its primitive aspects[3]. In any case, the nature and extent of the villa system would seem to have been exaggerated. Roman villas, while numerous, were not sufficient to exclude other systems of land-holding. The view that Italy and the provinces were ruined by the development of large estates, *latifundia perdidere Italiam*, needs to be modified[4]. Again the villa was not identical with the mediaeval manor[5], for the position of the *colonus* was not attended by the absolute renunciation of all legal pretensions and complete subjection to the lord which stamped the English serf.

Disruption of Roman society.

But, in any case, Roman civilization in Britain must have been largely swept away in the disruption of society that followed the recall of the Roman legions. Internal factions and the raids of Picts and Scots and Saxons completely destroyed the fabric of Roman life, which had rested upon the

[1] J. Ward, *Roman Era in Britain* (1911), 9. For Roman roads, *ibid.* c. 2, and map facing p. 280.

[2] T. Mommsen, *The Provinces of the Roman Empire* (ed. 1909), i. 67, 86.

[3] Vinogradoff, *Growth of the Manor*, bk. i. c. ii. But Haverfield (*Vict. County Hist. Norfolk*, i. 281) holds that "the Britons generally adopted the Roman speech and civilization."

[4] Vinogradoff, *Growth of the Manor*, 67-68, and authorities cited, p. 106 (*n.* 59).

[5] *Ibid.* 82.

unstable foundations of a military occupation. The arrangements of Roman society were too complex to survive under conditions of general disorder, and the intricate relations of the villa system could not have been maintained in the disintegration that everywhere prevailed. Nor was the English Conquest a mere repetition of the Frankish invasion of Gaul. It was not the work of one man, the result of a single battle. It lasted a hundred and fifty years, and was a stubborn long-drawn-out conflict between the Britons and their aggressors. Step by step the Welsh were driven backwards, but their grasp of the soil was tenacious and they fought every inch with resolution. The struggle was accompanied by the sack of towns[1] and by the burning of villas. The Saxon Conquest of Britain was accordingly no mere substitution of a Teutonic for a Roman aristocracy as in Gaul; it was the displacement of one nation by another, and in that displacement Roman life had but little chance of survival.

Evidence drawn from Domesday.

Other evidence drawn from the eleventh and thirteenth centuries indicates that the early English settlements were not of a manorial type. The manorial school lay stress upon the supposed uniformity of manorial life as an argument against the possibility of haphazard and piecemeal development. They convey the impression that the mediaeval rural community was everywhere composed of dependent tenants under an overlord. But this impression scarcely survives a closer analysis of Domesday Book, which represents a state of things very different from that of later times. Manors exist in abundance, but many are still 'in the making,' and point to a gradual growth rather than to a cast-iron system forged at a single stroke. But a more striking feature is the existence of numerous villages in which all traces of the manorial system were still absent. They were free villages over which no lord could claim a manorial authority[2]. 'Grantchester near Cambridge contained fifteen men, who were all free and had commended themselves to different lords[3]. It was thus not a manor in the

[1] E. Gibbon, *Decline and Fall of the Roman Empire* (ed. Bury), iv. 164.
[2] Maitland, *Domesday Book and Beyond*, 129. [3] *Ibid.* 131-134.

sense of an estate owned by a lord and occupied by a community of dependent serfs, nor was there any economic concentration of labour round a domanial centre. This description of Grantchester is equally applicable to many villages in Cambridgeshire and other counties [1]. It would be erroneous to explain these instances of lordless villages by the supposition that they were all Danish settlements. The coming of the Danes admittedly introduced a freer element into England, but Cambridgeshire at all events was not Danish [2], while Yorkshire, which was Danish, contained fifteen times as many serfs as freeholders. We cannot therefore explain the element of freedom in the Domesday structure of society as purely Scandinavian. The free villages were in fact normal [3], not less so than the communities in serfdom, and they accordingly refute the assertion that the manor was the prevailing type of Saxon settlement. Further, Domesday Book shows that a very considerable number of the cultivators of the soil were freeholders [4]. A substantial number of freemen were to all appearance not attached to any manor, but were extra-manorial. They held land of which the title was derived from the Saxon Conquest, and not from the grant of a lord. These lordless villages and unattached freeholders appear to be survivals of a condition of things once general throughout England.

Survival of free elements in villeinage.

The social structure of the thirteenth century is less easily analysed, but its evidence suggests similar conclusions; "there is a stock of freedom in it which speaks of Saxon tradition" [5]. Indications still remained in witness of the time when freedom, instead of servitude, had been the lot of the rural population. In the first place, it is difficult to suppose that all free tenants, when not of Danish or Norman stock, were either emancipated villeins, enfranchised by the commutation of their labour services for rent, or

[1] *E.g.* Hertfordshire: J. H. Round in *Vict. County Hist. Herts*, i. 266.

[2] Maitland, *op. cit.* 139. The fact that it was part of the Danelaw does not make its inhabitants men of Danish blood. For a partial explanation of their greater freedom, see *infra*, p. 16.

[3] *Ibid.* 141.

[4] Cf. P. Vinogradoff, *English Society in the Eleventh Century* (1908), 473; A. Ballard, *The Domesday Inquest* (1906), 145.

[5] P. Vinogradoff, *Villainage in England* (1892), 137, 208.

holders of new feoffments carved out of the demesne and waste[1]. Often their services were too slight to be explained in this way, and the pecuniary rent represents an inadequate equivalent for an original liability to week-work[2]. These free virgates must accordingly be regarded, not as originally servile, but as 'ancient and primitive' freeholds which had escaped the general servitude. They appear to be an indication that the manor was superimposed upon the free village as the outcome of a feudal development that was only partially complete. Secondly, the villeins on the Ancient Demesne of the Crown had a peculiar status, being given a legal protection that was denied to those on private estates[3]. Apparently the king displayed greater consideration to his tenants than was shown by lesser landlords, and made no attempt to deprive them of rights once shared by all the peasantry. Again the privileged position occupied in later times by the men of Kent, who are entered in Domesday Book as villeins, reveals the existence of an element which for one reason or another had succeeded in achieving recognition of its freedom[4]. Moreover, the villein's right of action even against his lord for the recovery of his plough-team, if it is anything more than simply a belated and humane concession, may have survived from the time when he could assert all the rights of freemen[5]. Finally, stress is laid upon the fact that until the Statute of Merton the common law did not allow the lord to enclose the commons without the consent of his free tenants[6]. This conflicts with the feudal theory that the villagers' right of commons proceeded from the grant of the lord, and was therefore resumable at will. It suggests that the rights of the commoners go back to a period, when the lord had no place in the rural community and no voice in the management of the waste.

The considerations on which the case for the Roman origin of the manor is based, are open to an interpretation

[1] On the post-Domesday sokemen and freemen, see *infra*, p. 49.
[2] Vinogradoff, *Villainage*, 334 *seq.*
[3] *Infra*, p. 50.
[4] *Infra*, p. 50. For the hundredors, cf. Vinogradoff, *op. cit.* 188-196.
[5] *Infra*, p. 41.
[6] *Infra*, p. 73.

widely different from that drawn by the manorial school. The similarity between the economic systems of mediaeval England and the later Roman Empire cannot be disputed, but it does not prove continuity. The resemblance of the manor to the villa is not conclusive proof of historical connexion in the light of the contrary evidence afforded by language and religion, the nature of the Conquest, and the survival of free elements in the mediaeval community. Moreover, the intimate relations between English and continental monasteries probably led, we may conjecture, to the introduction of many Roman usages to be found in English rural life. Again the documentary evidence is too fragmentary for any general theory of early English society. The *Rectitudines Singularum Personarum* repeatedly insists that there is no uniformity. "This land-law holds in certain places, but elsewhere, as we have said, it is heavier or lighter, for the institutions of all estates are not alike. Let him who is over the district take care that he knows what the old land-customs are and what are the customs of the people"[1]. The picture here suggested is one of heterogeneity and irregularity rather than of a uniform manorial life. The Tidenham and Stoke cases are of doubtful date and are not regarded as trustworthy[2]. In any case, it would be unsafe to regard the manor as the prevailing type of estate from the earliest times, on the ground that some were in existence before the Norman Conquest. Lastly, the equality of the holdings does not necessarily imply a servile origin. The unity of the virgate was largely artificial, and while preserving its primitive and indivisible character where the lord was concerned, often supported more than a single family. Among the villeins of Ashfield Magna[3] in Suffolk there were thirty-five joint-tenements held by groups of tenants, ranging from two to seven in number. On the manor of Gorleston in Suffolk[4] there survived down to the sixteenth century eighteen villein tenements, which still retained a

Arguments of the manorial school examined.

[1] Liebermann, *Gesetze*, i. 447.
[2] Maitland, *Domesday Book and Beyond*, 330-331.
[3] E. Powell, *A Suffolk Hundred in the Year 1283* (1910), 76.
[4] *Vict. County Hist. Suffolk*, i. 644.

strict legal unity and sent representatives of the original tenants to the annual court, although one tenement alone was occupied by a score of tenants. The fact that the holding was in the hands of more than one tenant is sometimes openly avowed. The rental of a manor in Kent [1] states that rent is due from the tenant *et participes ejus*. The fiction of indivisible yardlands served, in fact, its purpose in the eyes of the lord by attaching the responsibility for the services which he claimed to some recognized individual. But, after all, economic forces militated against undue division and worked to preserve the tenements as undivided units, and these considerations also influenced the free tenants.

The growth of the manor.

We have now to trace the process by which a nation of free cultivators became gradually transformed into one of dependent serfs. The growth of the manor was nowhere uniform, but we can best consider the means by which the transition from freedom to servitude was accomplished under three heads: fiscal and economic forces, the exigencies of government, and the rise of a military class.

(1) *Fiscal causes.*

Chief among the fiscal causes which helped to create the manorial system was Danegeld, a tax on the hide levied originally as a tribute to buy off the Danes, and afterwards retained as a permanent land-tax. Its incidence was extremely heavy, and its sweeping character may be gauged from the amount exacted in 1084, when William laid a geld of six shillings upon every hide [2]. If we take the value of the hide as approximating to about twenty shillings a year, and remember that the price of an ox was two shillings [3], it will be seen that the holder of a hide was burdened with a tax equivalent to three of his oxen and close upon one-third of the annual value of his land. Nor was the geld of 1084

[1] *Custumals of Battle Abbey* (ed. S. R. Scargill-Bird, 1887), 42. Similarly *Pembroke Surveys* (ed. C. R. Straton, 1909), ii. 549.

[2] J. H. Round, "Danegeld and the Finance of Domesday", in *Domesday Studies* (ed. P. E. Dove, 1888), i. 87. 'Tributary' Danegeld was the tribute to buy off the Danes; it began on a local scale before 991, the year when it is supposed to have become a national levy. The 'stipendiary' Danegeld began in 1012 for the payment of Danish ships. The Confessor abolished it about 1051, when the ships were paid off: *ibid.* 79, 81.

[3] Or 2s. 6d.: Maitland, *op. cit.* 4, 44.

exceptional, for before the coming of William the Danish tribute had risen to more than thirty thousand pounds if we may believe the Chronicler, and other large sums were sufficiently common[1]. The imposition of Danegeld was undoubtedly attended by important social consequences. Its pressure set in motion a force powerful enough to ruin the small landowners, and degrade them from a condition of solvency into one of economic dependency. Inability to pay the tax constrained them to borrow without the power to repay. The wealthy benefited by the distress of the weak, and were afforded a hold over the impecunious villagers which the process of time served only to consolidate. In this way the economic independence of the peasants was imperilled, and with its loss went their best title to the rights of freemen. Social divisions began to lose their original firmness of outline. Intermediate classes and new strata of society appeared between those fully free and those completely enslaved.

Maitland's theory.

The importance which rightly attaches to Danegeld, as a decisive factor in social and economic development, has given rise to a theory that the manor in Domesday had a technical meaning relating to its apportionment and collection: "a manor is a house against which geld is charged"[2]. According to this doctrine, the manor in its origin was a fiscal institution intended to serve as a unit of assessment. The country was parcelled out into districts for purposes of rating, and in each a particular house was chosen and held accountable for the geld of the district surrounding it. The manor-house is therefore represented as the channel of payment, the centre to which all in the neighbourhood brought their quota for collection by the royal officers. This view is also held to explain the differences between the various classes of men enumerated in Domesday Book[3]. The lines of demarcation were fiscal lines. The villeins were those for whose geld the lord was directly responsible, while the freemen and the sokemen answered for their own geld. This theory

[1] The figures in the *A.-S. Chronicle* are: (i.) 991, £10,000; (ii.) 994, £16,000; (iii.) 1002, £24,000; (iv.) 1007, £30,000; (v.) 1012, £48,000; (vi.) 1014, £21,000; (vii.) 1018, £82,500 (exacted by Canute).

[2] Maitland, *Domesday Book and Beyond*, 120. [3] *Ibid.* 8, 24, 127, 324.

of the manor has not, however, gained acceptance. The term *manerium* was used in Domesday interchangeably with the word *terra*[1], and could not therefore have been "an accurate term charged with legal meaning." Again we find estates, described not as manors but as "lands" (*terrae*), and forming part of a large manor, rated separately to the geld[2]; other estates also are described as manors without paying any geld[3]. These facts are at variance with the view that the manor was a geld house and a fiscal unit. Moreover, we learn from the Geld Inquest of 1084[4] that the royal collectors sometimes experienced difficulty in gathering the tax because the villeins withheld their contributions, and this again conflicts with the theory that the lord was answerable for them. Hence, while no doubt the lords ultimately came to be held responsible for the taxes of their tenants, yet the repartition and collection of the Danegeld appear to have been originally entrusted to the hundred and the township[5]. None the less, if Danegeld does not actually explain Domesday terminology, it still remains true that it was capable of depressing the great mass of the rural population and converting villages of free peasant proprietors into manors of unfree villeins. Indeed, the larger element of freedom to be found in the Danelaw may very well have been due, in part, to the immunity which its inhabitants seem to have enjoyed from fiscal obligations incumbent upon the rest of the kingdom[6]. Nor was Danegeld the only tax that was instrumental in furthering the subjection of the free landowners. The Church claimed tithes as well as other dues[7], and a demand for a tenth part of the earth's produce was oppressive. Thus the burden of taxation imposed by Church and State was a powerful factor

[1] J. H. Round, "The Domesday Manor", in *English Hist. Review*, xv. 294; *Vict. County Hist. Bedfordshire*, i. 209-210.
[2] Vinogradoff, *English Society*, 306.
[3] J. Tait in *English Hist. Review*, xii. 770.
[4] Ballard, *Domesday Inquest*, 134.
[5] Vinogradoff, *op. cit.* 198, 207, 211.
[6] F. M. Stenton, "Types of Manorial Structure in the Northern Danelaw," in *Oxford Hist. Studies*, ii. (1910), 90.
[7] Soulscot, churchscot, etc.: N. Neilson, "Customary Rents", in *Oxford Hist. Studies*, ii. 188 *seq.*

in the movement that was transforming England into a land of manorial communities and servile tillers of the soil.

Economic forces.

Economic influences operated in the same direction. The larger landowners, with land to spare, settled tenants upon it, and so at a stroke created the manorial fabric. The Church adopted the practice of loaning its land, nominally for three lives[1]. This lænland, as it was called, anticipated in many respects the feudal ideas of a later period, and enabled the Church to establish a lordship which in the case of poorer men might readily assume a manorial aspect and involve the obligation to predial services. In other cases the manorializing process was at work in the village itself, and enabled the lord to tighten his grasp upon land which once lay in the absolute ownership of the villagers. The devastations of the Northmen, the recurrence of bad harvests, the harshness of the criminal code[2], would easily suffice to ruin the peasants and send them borrowing to some wealthier neighbour, to whom they would surrender their land and receive it again as a dependent tenancy.

(2) Exigencies of government.

The economic revolution that from the days of Ine in the seventh century was changing the face of England and covering it with servile communities, was not the work of economic and fiscal forces alone, but was largely the outcome of political agencies. The barbarians who overran the Roman Empire replaced the city state of the ancient world by the national or country state of mediaeval and modern Europe. But the weakness of their political organization rendered the central government unable to cope with its responsibilities, and decentralization followed. Accordingly the Feudal System, defined as the social and political domination of a military and landowning aristocracy, became an indispensable stage in the evolution of modern Europe. England passed through a similar phase of development, and the failure of the state to institute a firm control over every part of the kingdom had its direct consequences in the spread of patronage and manorial lordship. The sources of this political element

[1] Maitland, *Domesday Book and Beyond*, 302 *et passim*.

[2] Cf. Pollock and Maitland, *History of English Law* (2nd ed.), ii. 460.

(a) *Commendation.* in the growth of the manor were twofold: commendation and seigniorial jurisdiction. In the case of commendation, a person bound himself to a lord and became his 'man' or client in return for a promise of protection. Among the primitive Germans the duty of safeguarding the individual had rested with his kindred[1], but in England the tie of kinship weakened, and the family group began early to break up and to lose its authority. The state was not yet in a position to assume its functions, and its place was therefore taken by the lord. Other reasons favoured the practice of commendation[2]. Those who commended themselves to a lord were protected in their life, not only by the ordinary *wergild* or penalty exacted for homicide, but by a special *bot* or compensation due to the lord, whose protection or 'peace' the offender had violated. Moreover, if a man were in trouble, his lord was expected to come to his assistance and act as compurgator by swearing on his behalf, and in other ways to exert his personal influence. Lastly, a law of Athelstan insisted that every man should have a lord as his *borh* or surety to answer for his appearance in a court of law whenever summoned. The difficulty of securing malefactors was the fundamental problem of the Anglo-Saxon police system, and the lordless man, like the 'brotherless' man of Homeric times, was treated as an outlaw. In Anglo-Saxon poetry the man who had lost his lord was depicted as a homeless wanderer: "Thus homeless and often miserable, far from my kinsmen, I have had to bind my heart in fetters ever since the grave closed over my patron—since I wandered away destitute over the sea amid wintry gloom seeking in my grief the dwelling of some prince, if far or near I could meet with one who would have regard to me in his hall or console me in my friendlessness and treat me kindly. He who experiences it knows what a cruel companion anxiety is to one who has no kind guardians. He is confronted not with gold rings but with homeless wanderings, not with the good things of the earth but with his own chilled breast. He calls to mind the men of the court and the treasure he

[1] Tacitus, *Germania*, c. 21.

[2] Maitland, *Domesday Book and Beyond*, 70.

used to receive, and how in his youth he was continually feasted by his patron. All his happiness has passed away"[1]. In theory commendation need only have involved the client without implicating his land, and could have a personal and not a territorial significance. We read in Domesday how a freeman at Prested, a manor in Essex, commended himself to a lord while his land remained free, for he "could go with his land whither he would"[2]. Again at Hanningfield the hundred testified that two men, whose land the abbot of Ely claimed, "held their land freely and were only commended to the abbot"[3]. Still what was really essential in those troubled days was security of tenure, and men required protection not so much for themselves as for the title to their belongings. They needed a powerful lord to support them, if a violent neighbour wrested their land from them or in other ways encroached upon their rights. But when a freeholder began to look to his lord for the protection of his tenure, just as another turned to title-deeds (bookland) or the witness of the shire (folkland), the basis was thereby laid for the growth of a manorial lordship. In process of time his title would be regarded by courts of law as proceeding from the lord and dependent upon his will, and once this feudal doctrine was established it was only a single step to the imposition of manorial services.

(b) *Seigniorial jurisdiction.*

The development of seigniorial jurisdiction represents another most important element in the formation of the manor. The king enjoyed valuable rights over his subjects, and was accustomed to alienate his privileges to the Church and to lay magnates. When the latter acquired by royal grant (bookland) a 'superiority' over a village—the claim to many of its dues and services—a feudal lordship was straightway created. The population of the village passed from the control of the public authority to that of private lords, and a manorializing process was set in motion. Of the political rights conceded by the Crown, that of holding a court constituted a direct incentive to the establishment of political authority, and its importance can scarcely be

[1] *The Wanderer, cit.* Chadwick, *Origin of the English Nation*, 170.
[2] *Domesday Book*, ii. 75. [3] *Ibid.* ii. 25.

exaggerated. Everything points to the conclusion that on the eve of the battle of Hastings the seigniorial court was no new institution[1]. It is possible that it originated in the desire of the Church to obtain immunity for its estates from "all earthly business" and so from secular justice, though the idea of patrimonial justice would seem to have been familiar from the first[2]. But in any case justice was recognized as a valuable source of profit—*justitia est magnum emolumentum*—for fines were heavy, and whole classes of men were therefore brought under the judicial authority of a lord, to whom they rendered suit of court. Here, again, the way was paved for the development of manorial tendencies. When a man attended a private court instead of a national court, he gradually lost his legal status and lapsed into a rightless condition, for feudal common law refused henceforth to recognize his claims to freedom. The distinction between those admitted to the king's court, and those excluded from it, became subsequently the decisive test that differentiated the free from the unfree. Often the mediaeval serf occupied as a dependent tenant land held by his predecessors as freehold, until they had been deprived of the national warranty. Thus either by a royal grant placing a district under a feudal lordship, or by the submission of individuals, village after village acquired a lord and could no longer boast itself a free village community. Suit of court revealed itself a powerful instrument for the degradation of great masses of the freemen, and readily opened the door to manorial exploitation.

(3) Rise of a military class.

The rise of a military aristocracy constituted the third factor in the growth of the manorial system. It appears first in the *comitatus* described by Tacitus, a war band that formed a bodyguard for the chieftains: *in pace decus, in bello praesidium*[3]. In England the eorls, the aristocracy of birth, were replaced by a nobility of service, gesiths and thegns[4], and the disturbed course of early English history

[1] Maitland, *Domesday Book and Beyond*, 258 *seq.*

[2] Vinogradoff, *Growth of the Manor*, 214.

[3] Tacitus, *Germania*, c. 13. The war band in Caesar differs from the *comitatus* of the later period, as it was formed only for a temporary expedition: *De Bello Gallico*, vi. c. 23. [4] Stubbs, *Constitutional History*, i. 169.

served greatly to enhance their importance. The Anglo-Saxon militia, the *fyrd* consisting of peasant cultivators, proved unequal to the demands made upon it by the perpetual raids of the Northmen. A professional force with leisure to fight, and with the resources for providing equipment, became indispensable. It was endowed with land, usually it would seem to the extent of five hides for each thegn, and rapidly developed into a privileged class. English society came to be transformed by the permeation of feudal conceptions. A threefold social division began to emerge in the soldiers who fought, the clergy who prayed, and the peasants who toiled. The ceorls, the peasant class, were degraded and sank to the bottom of the new social hierarchy. They were no longer called upon to fight, save on rare occasions, and accordingly their right to a free status began to be denied. The thegn now appeared as the full freeman, and to this dignity he added the prestige and economic independence of a large landowner. Two results followed from the altered order of things. The people were expected to bring contributions and offer their services to their defenders, and it may be conjectured that by their assistance the large estate of the thegn was cultivated. Moreover, the distinction of his position stamped the thegn as the natural delegate of the central government, and various governmental functions were assigned to him, such as the maintenance of public order[1]. His estate conjointly with the surrounding neighbourhood served as a unit of law and police, and the combination of political superiority and economic rights ultimately produced the manorial system. Thus the differentiation between the soldier and the tiller of the soil became the mainspring of feudal development and manorial growth.

Summary. The phenomena of economic life can seldom be traced to the agency of a single factor. The manorial system is no exception, for the elements of which it is composed are too varied to admit of only one explanation. No theory of the manor is tenable which lays stress upon one aspect

[1] Cf. Vinogradoff, *Growth of the Manor*, 216-221; Chadwick, *Origin of the English Nation*, 303.

to the entire exclusion of the rest. Occasionally the private estates of the pre-Saxon period survived to form the basis of the mediaeval manor[1]. In other cases a variety of forces combined to evolve the manorial system. We can no longer hold with Maitland that the manor originated as a unit of financial assessment; but, on the other hand, it was not invariably from the first, whatever it became later, an economic organization with peasant holdings clustered round a capitalist nucleus. As we have seen, it was also the centre of local sovereignty and the basis of feudal sway. The lord, in fact, appears in a dual capacity as the owner of an estate with economic rights over his tenants, and as a ruler invested by royal grant with political authority over his subjects. Accordingly neither an economic nor a feudal interpretation unfolds a complete view of manorial development, and the two streams of social evolution must be treated side by side.

Types of eleventh-century manors.

The evidence of Domesday Book lends authority to this conclusion, for it indicates that in its earlier stages manorial life presented the very signs of irregularity that a fortuitous and diverse growth naturally tends to produce. The structure of Domesday manors was not everywhere uniform in character, but exhibited a numerous variety of types.

[1] Modern criticism of the orthodox *ing* theory advanced by Kemble has drawn attention to the existence of a dominant personal element in the Saxon village. Kemble held the view that where the suffix *ing* entered into the composition of the place-names of English villages, it denoted settlement by a clan, that is, a free community united by real or fictitious ties of kinship. But it is believed that these place-names are really patronymic, personal names. In other words, we are confronted from the first with the presence of a lord in the village community, who was important enough to give his own name to the district. The problem arises: what position are we to assign to this eponymous lord? Was he a manorial lord, the first English owner of the village? Or was he simply a local chieftain who developed into a territorial magnate, and round whose estate his followers settled in a free village to which they gave the name of their leader? The latter alternative seems more preferable, but in any case we have henceforth to recognize the probability that from the very outset the Saxon village included an element of lordship to which it would be hard to deny an ascendancy of some kind. Although the existence of this personal element would not be incompatible with the general freedom of the villagers, it would none the less furnish a basis for manorial growth: Stevenson in *English Hist. Review*, iv. 356; J. H. Round, *Commune of London* (1899), 20; Stenton, *Types of Manorial Structure*, 91; G. B. Brown, *The Arts in Early England* (1903), i. 48 *seq.*

Of course the most general and widely diffused type comes within the compass of economic analysis, and displays all the appearance of a fully developed manor. It was a large estate occupied by a community of dependent tenants, who were grouped round a domanial centre and obliged to perform labour services on the home farm[1]. The monastic houses were the innovators in this direction, and the material conditions lay at hand in the alienation of Crown lands, or in the integration of small freeholds whose original owners had been reduced to economic dependency[2]. In other manors the intimate relation between the husbandry of the demesne and that of the rustic holdings was absent or completely subordinate, and here the judicial aspect predominated. The manor-house appeared as the centre of jurisdiction and political authority, and not of an estate organized for purposes of tillage, and the service of those attached to it was primarily suit of court. This type of manor was simply a portion of the hundred[3], which had passed from the public authority into the hands of private individuals. The right to hold a court for all included within the lord's soke was its primary feature, and the court itself served as a focus to which the more remote districts readily gravitated. We have already seen how grants of sake and soke contributed to the spread of manorialism, and how the compulsion to attendance at a private court was a powerful lever in the degradation of the peasantry. The third type of manor was the administrative or tributary organization[4], and consisted of scattered settlements, each in itself a unit of husbandry, but controlled from a single centre where their tribute was paid[5]. We remark again the absence of any economic concentration of labour and capital within a well-defined and homogeneous sphere, and the substitution of administrative concentration in its stead. The manorial hall served to unite the various districts attached to it, and formed a convenient spot for the collection of dues. The manor here was simply a network of tributary

[1] *Infra*, p. 32.
[2] *Supra*, p. 17.
[3] Vinogradoff, *English Society*, 322.
[4] *Ibid.* 316.
[5] For a late example of food-rents, see *Charter Rolls*, i. 274, where Englefield (Flint) was released in 1242 from food-rents paid to Llewelyn.

rights extended over a number of districts, upon which the obligation had been imposed to furnish contributions for the warrior and his household. Lastly we meet with other manors, *maneriola*[1], which were neither agrarian units, nor administrative centres, nor jurisdictional franchises, but merely small farms supporting a single household and cultivated in person by the freemen to whom they belonged. From these various types of eleventh-century manors we may draw two conclusions. In the first place they indicate that the Open Field System with its compulsion to joint husbandry can exist apart from the manorial system, and cannot therefore be taken as a proof of the servile origin of the mediaeval village. Not only in economic manors, where labour arrangements were directed from a domanial centre, but also in villages which were free to control their own economic destiny without the intervention of a superior power, we find the system of scattered strips and organized cultivation at work, and all the processes of agrarian life in operation. Hence the common fields and the virgate system, with its indivisible bundle of strips, cannot be regarded as fruits of manorial growth, or as maintained only by the force of seigniorial pressure. In the second place they accentuate the fact that the manor was a varied and heterogeneous growth, which cannot be explained by any single hypothesis of social development.

Importance of the Norman Conquest.

The work of consolidation and the creation of a uniform manorial life proceeded from the Normans, and the history of the manor would therefore be incomplete without some attempt to estimate the extent of their influence upon English society. The consequences that attended William's invasion of England were the more far-reaching, because the Norman Conquest was not merely a dramatic but short-lived episode in English history. It was a decisive turning-point in national development, and its permanence was largely due to the fact that it was accompanied by a redistribution of the conquered soil, though Saxon lethargy and lack of organizing capacity were factors which told in the same direction. The Anglo-Saxon lords

[1] Vinogradoff, *op. cit.* 332.

of the soil were supplanted by an alien aristocracy and only retained an inconsiderable portion of their land. The Normans were thus afforded an opportunity to put into practice continental ideas with which they had long been familiar, and at the same time satisfy their own passion for order and system. With the coming of the Normans an age, first of construction and organization, and then of definition, succeeded an age of social chaos and cross-relationships, while the door was opened to foreign influences on an unprecedented scale. Accordingly the changes effected by the Conquest in the manorial system merit considerable attention.

Consolidation.

There was an important movement in the direction of uniformity and consolidation. Before 1066 there were many free villages which, taken as a whole, had no lord, although individual villagers might acknowledge the authority of different magnates. But though some villages refused to be kneaded into a manorial shape, the practice of the Normans was to turn the vill into a manor by imposing upon it a single lord, who carved out a demesne and erected a hall where his Saxon predecessors had gone without.. Besides the general disappearance of free villages, there was a universal assimilation of existing manors to a uniform type. The new lord of the administrative or jurisdictional manor consolidated his hold over the population under his control, and by imposing labour services completed the final stages toward manorialism. At the same time the cross-relationships of the Anglo-Saxon period, when a man might be commended to one lord, under the jurisdiction of a second, the tenant of a third, and responsible for various dues to a fourth, were replaced by a single relationship based on land. Service henceforth sprang from and was associated with tenure, and purely personal bonds were swept away.

The manorial court.

In the day of Edward the Confessor, the right to hold a court for manorial tenants was a privilege extended by royal favour to churches and individual landowners. The manorial hall-moot was still rare[1], and villeinage did not

[1] Maitland, *Domesday Book and Beyond*, 52, 54.

necessarily involve suit of court. But subsequently every manor had its court. The feudal principle that a lord enjoyed political authority over his tenants took root, and tenure now became a source of jurisdiction. The mere fact [1] of being a tenant bound a man to attendance at his lord's court, quite apart from any royal grant conferring more extensive powers. All over England small courts sprang up, and the struggle that ensued between royal and seigniorial jurisdiction occupies an important page in constitutional development.

Effects on free-holders.

The substitution of Norman for Saxon lords told heavily upon the free cultivators. For the numerous class of free-holders which existed on the eve of the Conquest, the Norman settlement spelt disaster. In many parts they altogether disappeared; the sokemen of Cambridgeshire, who numbered 900 *tempore regis Edwardi*, were twenty years later reduced to 213 [2]. The rest had been degraded into villeinage, and the sign of their altered condition lay in the exaction of week-work. In districts where villeinage was unknown in 1086 an unfree element crept in [3]. We read in Domesday how "in this manor there was at that time a freeman who has now been made one of the villeins" [4]; and from these words we can picture the harshness and oppression of the newcomers. The mailed hand of the Norman lord pressed heavily upon the unarmed tillers of the soil and 'thrust them down' into servitude. In other cases they continued to retain something of their privileged position, but nevertheless were now in a condition of considerable inferiority. The lawyers of a later generation still retained a tradition that "any one of the subjected race, who holds estates, has obtained it by the favour of the lord or under a contract" [5]. Increased services were imposed upon them, and the principle *nulle terre sans seigneur* condemned them to a feudal dependency. Whatever view may be taken of the Norman Conquest, it undoubtedly affected

[1] Pollock and Maitland, *History of English Law*, i. 585.
[2] Maitland, *op. cit.* 62-63.
[3] *E.g.* Alverton: F. M. Stenton, "Early Manumissions at Staunton", in *English Hist. Review*, xxvi. 94.
[4] *Domesday Book*, ii. 1.
[5] *Dialogus de Scaccario* (Oxford ed., 1902), l. x.

adversely the economic position of the great mass of the nation. For the English peasantry, "the red thread of the Norman Conquest" was distinctly "a catastrophe".

Effects on villeins.

It was hardly likely that influences so injurious to the freer peasantry should have left untouched the bulk of the villagers, the class of villeins, and there can be scarcely any question that as a rule their position greatly deteriorated. The Domesday villein was to all appearances in a far higher condition than the serf of the thirteenth century, who combined with his unfree tenure a considerable degree of personal servitude. Everything indicates that in status, at any rate, he was a free man. The *Rectitudines Singularum Personarum* tells us that the gebur and the cottager paid hearth-penny on Holy Thursday, "as every freeman ought to do"[1]. The *Leges Henrici Primi*, a post-Conquest compilation of Anglo-Saxon customs and dooms, speaks of the villeins as *viles et inopes personae*, mean and poor, but none the less distinguishes them from the *servi*, and clearly regards them as freemen. They are grouped with the sokemen and *liberi homines* as twyhyndmen whose *wergild* was two hundred shillings, as distinct from the thegn class or twelfhyndmen whom to slay involved a penalty of twelve hundred shillings[2]. Domesday Book also bears witness to the distinction: in the city of Chester if a freeman worked upon a festival the bishop claimed eight shillings, but if a slave did so, he was content with half the sum[3]. Again in the manor of Crewkerne every freeman rendered one bloom of iron to another manor situated in Somersetshire, but at Crewkerne there were none above the condition of villeins, who are therefore evidently regarded as free[4]. All this points to the conclusion that the villeins of the eleventh century could assert the rights and dignity of freemen, nor were they excluded from the national courts[5]. In one sense the villein was admittedly not free. He did not 'hold freely', he could not sell his land. Still the freedom thus denied to him was not personal but economic freedom, in the same way that the modern copyholder is

[1] Liebermann, *Gesetze*, i. 446. [2] *Ibid.* i. 563, 587, 593.
[3] *Domesday Book*, i. 263 *a*. [4] *Ibid.* i. 86 *a*, *b*. [5] *Ibid.* i. 44 *b*.

personally free, yet cannot at will dispose of his land. Apart from this, however, there seems no trace whatever [1] of the servile incidents of villeinage with which we meet in the thirteenth century, and which proceeded from the unfree condition of the villeins. Thus the peasantry of the eleventh century were "far more law-worthy" than those of a subsequent age, and the development of the servile theory of villeinage took place after the Norman Conquest. One factor facilitated this development: the absorption into the villein stock of servile elements [2]—household slaves settled by their lords on the glebe, to whose status the rest were gradually assimilated by the artificial and rigid definitions of an indiscriminating legal system.

Increase of burdens.

It would appear, moreover, that the conditions attached to villein tenure were less onerous in the eleventh century than in the thirteenth. The tiller of the soil in Domesday was apparently not annexed to the soil (*ascriptitius*), as subsequently, and no legal restrictions were imposed upon his movements. Moreover, while feudal law insisted upon the lord's ownership, not only of his own demesne, but also of the land occupied by his tenants, Domesday Book distinguishes between the lord's demesne and the holdings of the villeins [3], though this is not invariably the case [4]. The villeins in fact had rights which the law would defend, and its denial of jurisdiction apparently came later [5]. Lastly, though we may naturally suppose that the villeins from the first owed some labour services, the entries in Domesday are too few to enable us to postulate the heavy obligations of the succeeding centuries. We meet with the liability to indefinite services, the legal test of villeinage, in the passage that "the men labour at the king's work as the reeve shall command" [6]. There is also a

[1] Ballard, *Domesday Inquest*, 161.
[2] Vinogradoff, *English Society*, 467.
[3] Maitland, *Domesday Book and Beyond*, 54.
[4] This was overlooked by Maitland, as it has recently been pointed out. Already in 1086 the term, *dominium*, could be applied to land in the occupation of villeins, and not merely to the home farm of the lord, a fact which "raises wide issues": Stenton, *Types of Manorial Structure*, 9.
[5] Cf. Vinogradoff, *Growth of the Manor*, 356.
[6] *Domesday Book*, i. 219.

reference to week-work in Herefordshire, where twelve bordars worked one day a week[1]. Rents in money were certainly very common[2], and possibly in earlier times the villeins discharged their liabilities largely in money rents[3], especially since the lord had slaves to carry on the cultivation of the home farm. But when slavery died out, it would become necessary to exact increased services from the tenants. In any case the Normans were anxious to exploit their position to the utmost, and the villeins could look for little consideration at their hands. On the manors belonging to Ramsey Abbey there are unmistakable signs of steady depression in the condition of the villeins. Their week-work was heavier in the thirteenth century than in the twelfth, while the system of boon-services, absent in the earlier period, was later completely developed[4]. Another example is found on the estates of the Church of Ely, while on the manors of Burton Abbey there are instances, as late as Henry I., of a reversion from rents in money to services in kind[5].

Effects on slaves.

One beneficial change can be placed to the credit of Norman lords, namely, the disappearance of the class of landless slaves. In the manor of Leominster (Herefordshire)[6] there were 82 *servi et ancillae* in the time of Edward and 25 under his successor; in the hundred of Barstable[7] (Essex) there were 149 slaves in 1066 and only 90 in 1086; and by the time the Hundred Rolls were compiled, slavery in England had become a thing of the past.

[1] *Vict. County Hist. Herefordshire*, i. 291.
[2] Vinogradoff, *English Society*, 390.
[3] Maitland, *Domesday Book and Beyond*, 58.
[4] N. Neilson, *Economic Conditions on the Manors of Ramsey Abbey* (1898), 51.
[5] *English Hist. Review*, ix. 418 (*n.* 3); xx. 277.
[6] *Vict. County Hist. Herefordshire*, i. 290.
[7] Ballard, *Domesday Inquest*, 150.

CHAPTER II

THE MANOR AND THE OPEN FIELD SYSTEM

Definition of the manor.

THE manor constituted the rural framework of English society and was the prevailing type of social organization during the Middle Ages. It may be described in general terms as an estate owned by a lord and occupied by a community of dependent cultivators. Its underlying conception was that of a contract involving mutual obligations on the part of the lord and his tenants, the concession of land by the former, and the rendering of agricultural services by the latter. This principle was expressed in the distinction which manorial custom drew between the different kinds of lands comprised in the typical mediaeval estate: the demesne or home farm of the lord, the freehold of the privileged tenants, and the land held in villeinage by the dependent serfs. In legal theory the lord always retained the right to resume at will the occupation of the whole estate, except only the land belonging to his free tenants. Feudal common law did not recognize the villein's proprietary right to his tenement, and regarded the lord as legal owner[1]. In reality, however, the lord's freedom of action was restricted by practical considerations. The absence of a wage-earning class[2] rendered him dependent upon the labour of tenants for the cultivation of the soil, and he was therefore constrained to leave a large portion of the estate in their hands in return for work and rents. Thus the distinction between the demesne and the *villenagium* or tributary holdings, while it had no place in law, was of primary importance in the

[1] *Infra*, p. 35.

[2] On the class of wage-earners, see *infra*, p. 45.

economic arrangements of the manor. It involved, moreover, a corresponding distinction between the different classes of manorial inhabitants: the lord with his retinue of servants and officials, the free tenants enjoying a unique and privileged position, and the unfree class of villeins and cottagers. The main aspects of manorial life can best be illustrated by a survey of the characteristics that distinguished these various strata of the manorial population.

The lord's demesne.

The most considerable place in the manor was assigned to the lord. He was the owner of the whole estate, but retained only a portion of it in his own occupation. This was termed the demesne and constituted the home farm. It consisted as a rule [1] not of a compact property, but of strips interspersed among those of the dependent holdings, and the work of cultivating it was imposed upon the manorial tenants as their primary obligation. The produce of the demesne was consumed by the lord and his household. To some extent it furnished a surplus for the market, but it is one of the fundamental differences between mediaeval and modern agriculture that the tillage of the Middle Ages was not usually conducted with a view to profit. On the one hand there was little local demand for corn where every one easily supplied his own requirements, and on the other the prevalence of a natural economy and the difficulties of intercourse were obstacles in the way of an extensive foreign trade. The absence of an organized corn trade accounts for the small size of the home farm which usually indeed formed the smallest part of the manor [2], though occasionally it covered more than half the estate [3]. The demesne of St. Paul's Church in London was only three-eighths of its property, and the rest was occupied by tributary cultivators [4]; and the demesne of Forncett manor in Norfolk was one-ninth of the total acreage [5]. The monastic houses, which enjoyed a corporate experience denied to private land-

[1] E. Nasse, *The Agricultural Community of the Middle Ages* (1871), 52. But sometimes only a small part of the demesne was scattered in strips: F. G. Davenport, *Economic Development of a Norfolk Manor* (1906), 26.
[2] Nasse, *op. cit.* 33. [3] *Vict. County Hist. Suffolk*, i. 642.
[4] W. H. Hale, *The Domesday of St. Paul's* (1858), p. xiv.
[5] Davenport, *Norfolk Manor*, 27.

owners and whose estates were organized in a model manner, were content as a rule to hold only three or four hundred acres in demesne[1]. The demesne of the manor was something more, however, than a mere farm providing food for the lord's table and clothing for his household. It contained a manor-house[2], where the lord usually resided and directed the administration of the estate, controlling and regulating the affairs of the villagers. The lord's hall, or court, constituted an economic centre round which the cultivators of the soil were grouped in varying degrees of legal and economic subjection. There existed, indeed, the closest possible connexion between the demesne and the holdings of the tenants, and at every turn the lives of the villagers were controlled by their economic dependency upon the labour arrangements of the lord's demesne. Their relation in fact was one of capital and labour, in which the lord assigned land to workmen on condition of predial services. Thus the manor was rigidly organized on capitalistic lines of estate management, and differed in many important ways from a free village community of independent peasant proprietors.

The villeins. First in social importance among the different classes of manorial tenants ranked the villeins (*villani*). They were the most numerous class, and of the 283,000 tenants recorded in Domesday Book[3] not less than 108,000 held in villeinage. At the time of the Survey (1086) they formed 38 per cent. of the total population, reaching a very high percentage in Yorkshire, where it was 63, and a very low percentage in East Anglia, where in Suffolk it was only 14. In the western and southern counties they were more evenly distributed, and the proportion here ranged from one-third to one-half of the inhabitants[4]. Both in respect of the nature of his holding and the character of his obligations the villein, who "took his name from the vill,

[1] Vinogradoff, *Villainage*, 314.

[2] Vinogradoff, *English Society*, 358 *et passim*. For the manorial hall, see N. J. Hone, *The Manor and Manorial Records* (1906), c. 3.

[3] These are round figures; see H. Ellis, *Introduction to Domesday Book* (1833), ii. 511.

[4] See map in Seebohm, *Village Community*, facing p. 86.

as the burgesses from the borough"[1], appears as the typical villager of the Middle Ages, and without his services the work of the manor as an economic organization could not have been carried on for a single day. The holding of the tenant in villeinage was termed a virgate or yardland; it was not a compact farm, but a bundle of strips dispersed in the open fields among all the other tenements. The size of the virgate was not everywhere uniform, and the number of acres contained in it occasionally varied from fifteen to as many as eighty[2]. These variations, however, were apparently exceptional and local, and can be accounted for by the varying quality of the soil in the different parts of the country. The normal virgate represents a holding of thirty acres. The holdings were hereditary and generally descended to the eldest son, upon the payment of a heriot, usually the best animal[3], in recognition of the lord's rights. The rule of indivisible succession prevailed, except in Kent. It was to the lord's interest to prevent the subdivision of the holding among co-heirs, in order to ensure the due performance of the services which he claimed. Moreover, economic considerations favoured the principle of single succession, since the unity of the tenement preserved the unity of the plough-team, a condition vital for the good management of the tillage. Besides the strips of cultivated land which he owned in severalty, every tenant shared with the lord the use of the meadow and waste as well as rights of pasture, and also possessed a homestead (messuage) surrounded by a toft or farmyard.

Their obligations.

The villein was thus, if not a substantial farmer, yet something more than a landless labourer with no stake in society. His position was one of great economic importance, and the general diffusion throughout the country of a numerous class of small but relatively well-to-do peasants gave stability to the manorial system, of which they constituted the indispensable basis. The position enjoyed by the villein involved, however, corresponding obligations in

[1] *The Mirror of Justices* (Seld. Soc. Pub.), 79.
[2] Seebohm, *Customary Acres*, 67; Vinogradoff, *Villainage*, 239.
[3] Pollock and Maitland, *English Law*, i. 317; Vinogradoff, *op. cit.* 160.

an age when every right proceeded from the performance of a duty. The services of the villeins were of varied character, as the manorial rolls testify, but their main duties can be grouped under three heads. (1) The primary obligation of the tenant in villeinage was the liability to predial service, to agricultural work in the fields. He was required to cultivate the lord's demesne on two or three days in the week, though not necessarily for the whole of the day. This week-work, as it is termed, comprised almost every kind of agricultural operations, of which ploughing was the chief. The full villein, holder of thirty acres, contributed a pair of oxen; his poorer neighbour, the half-villein who could boast of only a semi-virgate of fifteen acres, came with his single ox. Thus working side by side with the plough-teams of the demesne were the teams of the dependent tenants[1]. The villeins also performed carriage duties, acting as carriers and providing the requisite horses and carts. There were "short carriages" to adjoining manors, markets or mills, and "long carriages" farther afield[2]. On the manor of Alsiston in Sussex the tenants were required to carry 'wherever and whenever' they were bidden; but if they could not return by nightfall the expense of the journey was borne by the lord[3]. Elsewhere villeins had to carry for a distance of sixteen 'leagues' (*leucae*) from their homes at their own cost (*sine cibo*)[4]. Carriage duty was a function of no small importance and equally of no small difficulty in the absence of organized means of communication. The produce of the farm, when it was not consumed on the estate, was carried to the market or to some other manor belonging to the lord. Frequently no doubt the lord and his retinue travelled from manor to manor eating up its produce, but where the estate was owned by a monastery the produce had to be conveyed to it by the tenants. The villein with neither ox nor horse had himself to shoulder the load (*super dorsum*), and bear it to its destination. Besides the ploughing and carriage duties there was a multitude

[1] On the variety in the strength of the teams, see Hale, *Domesday of St. Paul's*, p. xv.

[2] Neilson, *Ramsey Manors*, 37. [3] *Custumals of Battle Abbey*, 29.

[4] *Plac. Abbrev.* 57 *a*. On the *leuca*, see *infra*, p. 214 (*n.* 1).

of small services, hoeing, mowing and nutting, washing and shearing of sheep, making and drying of malt, and all the other daily incidents of agricultural life. (2) In addition to the customary week-work, extra services were exacted at those periods of the year when it was necessary to utilize every available source of labour. These special services were known as boon-works or *precariae*, and were given at harvest-time. On these occasions the lord provided "love-meals" in order to encourage the labourers to greater exertions, and in return the villein did "love-bones," extra boon-works, without any gratuities (*sine cibo domini*) [1]. (3) Finally, the tenant in villeinage was responsible for numerous contributions to the lord in money and in kind—poultry at Christmas, eggs at Easter, grain at Martinmas, honey and ale, multure payments for grinding corn at his mill, other payments for pasturing cattle in his woods [2]. The villein was not required to perform all his duties in person provided he sent one of his own labourers, for the villein was often prosperous enough to employ workmen under him. At harvest-time, however, he was required to be present himself and to bring his family and servants.

Characteristics of villein tenure: (i.) legal insecurity.

Tenure in villeinage was essentially an unfree tenure, and it is necessary to understand therefore the nature of the servitude involved in it. One fundamental characteristic of servile tenure was the absence of any legal security protecting the holder in his occupation of the tenement. "The tenement of a person", Bracton lays down, "could not be called free which he holds at the will of lords precariously, which may be reclaimed seasonably or unseasonably, as from year to year or from day to day" [3]. The tenant in villeinage could not defend his tenure at law. He was a tenant at will, holding at the pleasure of the lord and liable to summary ejectment at the lord's discretion. Common feudal law refused to recognize the villein's proprietary right to the land he occupied, and provided no remedy for his protection. The freeholder could claim the

[1] Neilson, *Ramsey Manors*, 45, 46 (*n.* 2).

[2] Neilson, *Customary Rents*, 21, 68, 98. Cottars at Alsiston gave 12 hens at Christmas and 250 eggs at Easter: *Custumals of Battle Abbey*, 30.

[3] Bracton, *De Legibus Angliae*, f. 207.

warranty of the king's courts in defence of his title to his land; this was a concession granted by the first of the Angevin kings. But the state was unwilling to interfere between the lord and his unfree tenants. Indeed at every turn the villein was reminded of the lord's claims upon his land. He was not allowed to fell timber, and whoever cut down oak or ash on his land, unless it were perhaps to repair his house or plough or cart, was punished for his offence in the lord's court[1]; he might not convert his garden into arable[2], and he was subjected to other restrictions of a similar kind. At the same time he was held responsible for maintaining his land in good condition, and at Abbots Ripton, for example, the tenants were expelled for not repairing their holdings. This was during the Wars of the Roses, when "the Northern men lay there so long before the field was foughten that they impoverished the country", and left the inhabitants too poor to carry out their obligations[3]. But from an economic standpoint the legal aspect of villein tenure as a precarious tenure was hardly perhaps of determining importance. If the villein was denied the protection of the national courts, he received that of the manorial courts. If he suffered from the encroachments of his neighbour, he could seek a remedy in his lord's court, and the custom of the manor to which he appealed was no arbitrary or fanciful procedure, but was characterized by all the formality and strictness distinctive of law proper. No doubt if the lord in person dispossessed the tenant no redress was available, for the lord was himself the president of the court and judged the validity of his own actions; and cases of the removal of tenants are not unknown[4]. But in this respect the villein fared no worse than his own lord, if the latter were deprived of his estates

[1] *The Court Baron* (Seld. Soc. Pub.), 102. Cf. the manor rolls of Taynton (Oxon): "And Robert Tayllor, since the last court, has cut down an elm, to wit a timber tree worth 6d. without licence of any of the king's officers; but the said Robert used the same tree for the repair of his tenement; therefore let him have a talk thereupon with the king's officer before the next court": Hone, *Manor and Manorial Records*, 177.

[2] Vinogradoff, *Villainage*, 166.

[3] *Select Cases in the Court of Requests* (Seld. Soc. Pub.), 81.

[4] Vinogradoff, *Villainage*, 165; *Vict. County Hist. Lincolnshire*, ii. 300.

by the king. In actual fact, however, the tenant as a rule had little reason to apprehend the loss of his farm. The lord was at least quite as anxious to retain his tenants on the manor for the cultivation of the demesne, as the tenants could be to retain their homesteads. The villeins were the basis of feudal society, and by their work and rents the higher ranks of the social structure were maintained. The value of a manorial estate depended in fact upon the number of tenants which it contained, and the extent of their services and contributions, rather than upon the fertility of the soil.

(ii.) *Uncertain services.*

A second feature of servile tenure upon which mediaeval lawyers laid the greatest stress was the nature of the services attached to the tenure. The services exacted from the tenant in villeinage were uncertain, and not fixed and defined beforehand. In the famous words of Bracton[1], he "ought not to know in the evening what he will have to do on the morrow" (*nec scire debeat sero quid facere debeat in crastino*). These words can be illustrated from the rolls of an Essex manor[2], where one year the services of the villeins were all expended on threshing and work at the grange, while another year two-thirds went in hedging, ditching and hurdle-making. The legal test of the character of the holding was thus the certainty or uncertainty of the duties by which it was held. If the tenant were liable to every kind of work which the lord might see fit to appoint, then his tenure was unfree; otherwise the tenure was free. Here, again, if we attend to the facts of economic reality the definitions of common law appear unsatisfactory. No doubt from the legal standpoint everything connected with villein tenure was determined at the will of the lord. But manorial practice had hardened into custom, and custom had generally an authority scarcely less binding than law. Custom was the life of the manor, and very little was left to arbitrary caprice. The *extenta* or manorial surveys afford evidence by their minute details of the certainty of the services for which the tenant was responsible. He knew the days when he must plough, reap and thresh, and the

[1] Bracton, *De Legibus*, f. 208 *b*.

[2] K. G. Feiling, "An Essex Manor in the Fourteenth Century", in *English Hist. Review*, xxvi. 335.

days when he must carry and perform all the other duties of his office. A departure from the customary arrangements did not pass unchallenged. At Weston, a manor belonging to Ramsey Abbey, a bailiff endeavoured to defer the ploughing, but the villeins claimed that on Friday only could ploughing justly be exacted from them [1]. It would be erroneous, therefore, to regard the tenant in villeinage as a slave whose services were at the complete command of the lord. On the contrary, his services were regulated and fixed, and certain days in the week remained at his free disposal for his private purposes [2]. Still the legal definition was not without bearing, for where work is done day by day and week by week some uncertainty must exist; the villein could not always know with certainty all the details of his work on the morrow.

(iii.) *Week-work.*

The third characteristic of base tenure furnishes from an economic standpoint the real contrast between free and unfree tenure. The latter was held on condition of labour, and the former by the payment of rent [3]. It is true that agricultural labour did not make a tenure servile, for freehold tenants had to assist in the cultivation of the demesne, especially at harvest-time. But the essential feature of a villein holding was the obligation to a considerable amount of labour—in other words, to the performance of week-work. Tenants in villeinage were accordingly tenants who held their plots on condition of labour service on the lord's farm. This is the economic test of the nature of the holding which finds no place in the legal exposition of villeinage, but which is constantly applied in manorial documents. Thus the survey of Glastonbury Abbey inquires whether "any land which ought to perform work has been turned into free land" [4], that is, land paying rent. Of course even free

[1] Neilson, *Ramsey Manors*, 29.

[2] Vinogradoff, *Villainage*, 172 *seq.*, 212, 297-300; Pollock and Maitland, *History of English Law*, i. 362.

[3] Vinogradoff, "Agricultural Services", in *Economic Journal*, x. 309 *seq.* Apparently in none of the cases given in Bracton's *Notebook* or in the *Plac. Abbrev.* is the question of villeinage tried on the issue whether labour services are certain or uncertain. Pollock and Maitland, however, support Bracton's view: *History of English Law*, i. 370.

[4] Vinogradoff, *Villainage*, 168 (n. 1).

tenants in addition to their rent owed boon-works, and on the other hand unfree tenants paid dues in money and kind, but none the less the character of the holding depended upon the character of the obligations with which it was burdened. This test on the whole corresponds with the legal test of uncertainty, for as already noticed the exaction of regular week-work afforded scope for the intervention of the lord, while the payment of rent precluded in the main the possibility of such uncertainty.

The status of villeins.

The question as to the personal status of tenants in villeinage, though primarily of constitutional interest, is yet of considerable economic importance. In some cases the tenant was a freeman with an independent status and rights pleadable at common law. But as a rule he was a *nativus*, a villein by birth and of unfree status. The term villeinage thus covers two distinct conceptions: it was not only a tenure, it was also a status, and a holding in villeinage did not make a man a villein[1]. The villein by status was personally unfree and the dependent of a lord. The tenant in villeinage could in status be free or unfree, but his tenure was precarious, and his services predial and uncertain. From the personal unfreedom of the villein proceeded the servile incidents which were the distinguishing marks of villeinage. The villein was annexed to the soil, and the fugitive could be reclaimed and punished unless he paid a fine to live away from the manor[2]. He could be tallaged "high and low" at the will of the lord[3], and without the lord's licence he could sell neither ox nor horse[4] in order not to diminish the stock on the estate, nor have millstones in his house "to the great damage of the lord as regards the suit to his mill"[5]. His son could not be set to letters (*in literam ponendis*)[6], or educated at school, or apprenticed to

[1] *Year Books*, 20 & 21 Edw. I. p. 40; *Plac. Abbrev.* 243 *a*.

[2] *Select Pleas in Manorial Courts* (Seld. Soc. Pub.), i. 16. These fines might be very heavy: *English Hist. Review*, xv. 778.

[3] *Patent Rolls*, 1345–1348, p. 448; *Plac. Abbrev.* 125 *b*, 221 *b* ("possit talliare de alto et basso pro voluntate sua"). But elsewhere occur the words, "talliavit ronabiliter": *ibid.* 29 *a*.

[4] *Ibid.* 85 *a*, 161 *a*. But in the fourteenth century the villein could apparently sell horse or cow: *Year Books*, 18 & 19 Edw. III. p. 502.

[5] *Select Pleas in Manorial Courts*, i. 47.

[6] *Patent Rolls*, 1345–1348, p. 448.

a free handicraft [1], except the lord gave his consent. He could not even enter the Church, for "according to the institutes of the Church militant and of secular princes, such persons are not allowed to do so without the consent of their lords" [2]. His daughter, *and sometimes also his son* [3], could not marry without the payment of a fine known as merchet (*merchetum carnis et sanguinis*), or "service of blood-ransom", and regarded as the most degrading characteristic and assured test of servile status [4]. These restraints on the personal liberty of the villein were the direct consequence of his personal subjection to the lord.

Villeinage and slavery contrasted.

The condition of the villein in public and private law, and the extent to which the element of servitude entered into his status, can best be illustrated by comparing his position with that of the ancient slave. The central notion in our conception of a slave is that of a person absolutely rightless, the chattel of his owner, devoid of all legal status or possessions of his own. The legal theory of the Middle Ages assimilated the condition of the serf to that of the slave, and the lawyers identified villeinage with Roman slavery. Bracton, copying the language of Azo, the great doctor of Bologna [5], pronounced all men to belong to one of two categories, freemen or slaves (*aut liberi aut servi*) [6], and this line of demarcation or "Roman dilemma" condemned the villein to slavery. Against his lord the villein could assert few or no rights, although the law afforded protection in life and limb. "The power of lords over villeins", Bracton observes, "is restricted by civil right, so that life

[1] A. Clark, "Serfdom on an Essex Manor", in *English Hist. Review*, xx. 482—"ponit se in officio carpentarii sine licencia"; "posuit filium suum ad scholas sine licencia". J. Harland, *Mamecestre* (1861), ii. 280—fine for apprenticing a son to a free craft (*artem*).

[2] These words occur in a licence granted by Edward I. to a bondman to enter the Church: *Patent Rolls*, 1301–1307, p. 118.

[3] Examples of licence for the marrying of sons are (i.) *Patent Rolls*, 1345–1348, p. 163; (ii.) *Rot. Hund.* ii. 845 *a*, 845 *b*; (iii.) *Custumals of Battle Abbey*, 67 (in certain cases).

[4] Compare *Select Pleas in Manorial Courts*, i. 94, where one was presented for refusal to serve on a jury, alleging he was a freeman, "whereas in truth his sisters made fine for leave to marry". The phrase 'service of blood-ransom' is from the *Mirror of Justices*, 81.

[5] *Bracton and Azo* (Seld. Soc. Pub.), 44.

[6] Bracton, f. 4 *b*.

and limb are under the protection of the king"[1]. As to proprietary rights the evidence of the *Dialogus de Scaccario*[2] is clear: "The lords are owners of the chattels and bodies of their *ascriptitii*; they may transfer them where they please and sell or otherwise alienate them"; and this evidence is borne out by the writings of Glanville and Bracton. "All his belongings", says Glanville[3], "are in his lord's power". "Whatever is rightfully acquired by the serf", Bracton agrees[4], "is acquired for his lord". The villeins are thus represented as outside the scope of common law, and the lords enjoyed in legal theory almost unlimited rights. The actual facts of villeinage, however, conflict with the legal conception, and the wide divergence reveals important points of difference between the mediaeval serf and the ancient slave. (1) Even in his relation to the lord the serf's position has been well described as one of unprotectedness rather than rightlessness[5]. He was allowed to retain his own property and dispose of it by will, except his holding in villeinage, and his wainage was even secured to him by law[6]. The fact that as a rule the lord's exactions were customary, and not arbitrary, implied a recognition that the villein had a right to his belongings. A striking proof that the villein was not without recognized rights comes to us from the court rolls of the manor of Brightwaltham at the end of the thirteenth century. "To this court came the whole commonalty of the villeins of Brightwaltham, and of its mere and spontaneous will surrendered to the lord all the right and claim that the said villeins have heretofore

[1] Bracton, f. 6, f. 421 *b*. [2] *Dialogus*, I. xi., II. xiv.

[3] Glanville, *Tractatus de Legibus* (ed. 1780), v. c. 5 (p. 74). For an example showing the defenceless condition of the villein if the lord chose to exercise his power, see *Vict. County Hist. Dorsetshire*, ii. 231.

[4] Bracton, f. 6.

[5] Pollock and Maitland, *History of English Law*, i. 417.

[6] The passage in Bracton (f. 6) confining legal protection of the wainage to tenants of Ancient Demesne is a gloss: Vinogradoff, "The Text of Bracton", in *Law Quarterly Review*, i. 197. The term wainage is usually supposed to apply only to implements of husbandry, but Professor Tait has argued in favour of a more extended meaning, which would include not only the plough-team but seed-corn, growing crops, and anything in fact needed for tillage. This broader interpretation would imply that the law protected the villein from economic ruin: J. Tait, "Studies in Magna Carta", in *English Hist. Review*, xxvii. 724.

claimed by reason of common in the lord's wood called Hemele . . . and in return for this surrender the lord of his special grace has remised to them the common that he had in the field called Eastfield . . . to the intent that the lord shall have no beasts pasturing in the said common" [1]. The villeins are here represented in the light of a *communitas* or organized community which, while nominally unfree, was able to hold property and enter into a contract with the lord on equal footing. At another time (1311) a lord's charter gave over to the Church fourteen and a half acres "of the land of bondmen with their free assent" (*spontanea voluntate ipsorum*) [2]. (2) But the fundamental difference between villeinage and slavery consists in the fact that the villein was free against every one but his lord. Criminal law recognized no distinction between the serf and the free man. "Serfs have a personal right of action in court against all persons for injuries done to themselves" [3]. The serf could bring a criminal action against the freeman, and in his turn could be prosecuted by any other serf or freeman. In civil law he could sue in all cases other than those affecting his villein tenement, and if deprived of his wainage he could sue even his lord [4]. Thus at most the serfdom of the villein was 'merely relative', and its unusual character marks it as a 'juristic curiosity'. Again the position of the villein in the state does not accord with the notion that he was a mere slave. He could claim no immunity from the obligations incumbent upon men of free status, but shared in the burdens of local government. As member of a jury he presented offenders, he possessed arms, he paid taxes. All this is evidence of a status very different from that of the slave, and it was a single step from thence to his asserting as the natural corollary of his duties a demand for the exercise of the rights of freemen. (3) Another essential difference between the serf and the Roman slave was that in point of fact, though not apparently of

[1] *Select Pleas in Manorial Courts*, i. 172.

[2] *Charter Rolls*, iii. 174.

[3] Bracton, f. 155 *b*.

[4] Vinogradoff, *Villainage*, 74. On the question whether the lord could be sued in his own court, see G. B. Adams, *The Origin of the English Constitution* (1912), 94-96.

law, the servitude of the villein was predial. The serf cultivated the demesne fields and the services due from him were agricultural; rural labour was indeed the prevailing and dominant characteristic of villeinage. Moreover, he occupied a separate house and farm, the produce of which he retained for the maintenance of his family. Lastly he was *adscriptus glebae*, bound to the soil, from which as a rule he was never detached. This close, almost inseparable, connexion with the land constituted the vital and essential principle of all that we mean by villeinage. The mediaeval serf was a cultivator of the soil in a state of dependence upon the lord of the soil. The view formerly held that there were two classes of villeins, the villein *regardant* who could not be removed from the manor, and the villein *in gross* who could be transferred at will, is erroneous[1]. In all these respects, then, there is a wide divergence from the condition of the slave, a chattel, owning neither land nor property of any kind, and in complete subjection to his master, by whom he is maintained and housed, and who can be put indifferently to rural, industrial or house work and be sold or otherwise disposed of at his owner's pleasure.

The cottars.

The cottage tenants, who comprised about 32 per cent. of the population and were more or less evenly dispersed throughout the country, occupied a lower place in the manorial hierarchy. In the Domesday Survey they are designated in some localities as cottars, and in others as bordars, and apparently these names were interchangeable, though this is by no means certain. The term bordar, a word of Norman-French origin, seems peculiar to Domesday terminology, and failed to survive in common usage. The cottagers were recruited from the younger sons of villeins, whom the principle of single succession, imposed in the interests of the lord and to ensure the efficiency of the ploughing, precluded from a share in the inheritance. Another element[2] was that of slaves, whom the lord of the manor had settled on the soil with the improved status of manorial tenants. The cottars, like the villeins, were tenants

[1] Vinogradoff, *Villainage*, 48-56.
[2] Vinogradoff, *English Society*, 460-461.

in villeinage, and the formal divisions of the lawyers embraced both groups in a single class, creating a fictitious unity based upon their common subjection to the lord. Indeed the term villein was often extended to the cottars, and the practice reflected the similarity between them. The dividing line was not a legal one. The legal features of villeinage—its precarious tenure, its compulsion to predial service, its dependent status—were paralleled in the condition of the cottager. But the legal identity concealed divisions of considerable economic importance. There was a wide difference between the villeins who formed the central and representative group among the villagers, and the cottagers whose material condition was so inferior. The line of demarcation between the two strata of manorial society was thus essentially an economic one. The villein, with his virgate of arable land and appurtenant rights to meadow and waste, presented all the appearance of a substantial farmer by the side of the poor and struggling cottager.

Comparison with the villeins.

In comparing the cottars with the villeins two main differences emerge. In the first place, the allotments of the former class were considerably smaller than those of the villein. Their usual holding contained five acres, though variations from this number are common, and as many as ten and as few as two or one might fall to their lot [1]. In the second place, proportioned to the diminished size of the tenement, their obligations were correspondingly less. They worked for the lord only one day in the week, usually on a Monday, and the term 'Monday men' (*lundinarii*) [2] was accordingly often applied to them. The principal service due from the villein, ploughing on the lord's demesne, was not exacted from the cottage tenants, for as a rule they were without oxen of their own, and so were excluded from taking part in the common ploughing.

Their economic importance.

The social inferiority of the cottars to the other villagers is apt to conceal the importance of their situation in the manorial economy. It is one of the features of rural life that the demand for agricultural labour is never uniform throughout the year, but varies with the seasons. The

[1] Seebohm, *Village Community*, 96. [2] Neilson, *Ramsey Manors*, 49.

harvests and other exceptional periods involve the necessity for auxiliary labour, which at the present day is met by the services of a more or less floating population. But this is a modern expedient practicable in a society largely divorced from the soil, but impossible in an age when the universal prevalence of territorial ideas associated every individual with a definite portion of land. It was therefore necessary for the manor to include as part of its economic organization a numerous class of labourers settled on the soil, upon whom it could depend for additional labour. The cottage tenants thus formed a class of small crofters with a few acres and a cottage, who provided occasional assistance to the lord and the more prosperous villagers [1]. In another direction [2] the cottars possess much interest because their position foreshadowed the development of the modern system of farm management. The scanty acres of the cottager were clearly insufficient for his maintenance, while the services due to the lord and the claims of his own tenement could have made only a small demand upon his time. Ample leisure remained for ekeing out his resources by working for hire upon the lord's demesne or upon the holdings of the wealthier villeins. Thus early in economic evolution we apparently get the appearance of a wage-earning class, which was destined eventually to supersede villeinage and become the economic basis of modern industrial society.

The slaves.

The slaves, who account for 9 per cent. of the Domesday population, were the most dependent class in the manorial community. They are chiefly numerous in the west of England where they often represented a very considerable element, and it is reasonable to suppose that they included large numbers of the conquered race. Their condition is uncertain and altogether their history is very obscure. To some extent they must have been employed about the lord's household, but they were also assigned an important

[1] Vinogradoff, *English Society*, 458-459.

[2] Maitland, *Domesday Book and Beyond*, 41; Vinogradoff, *Growth of the Manor*, 352-353. Even the villein with a semi-virgate would have to supplement his resources by working for wages, cf. A. Ballard, in *Vierteljahrsschrift für Social- und Wirtschaftsgeschichte*, Band vi. 440.

share in the manorial husbandry. In the capacity of oxmen (*bovarii*) they were entrusted with the charge of the plough-team on the lord's demesne[1]. Sometimes, it is true, the *bovarii* were freemen[2], but the proportion of serfs to the ploughs on the demesne seems to justify the connexion which has been established between them. Already in 1086, however, they had begun to disappear, and in all likelihood they were absorbed into the class of bordars, whose increase in numbers was one of the most marked effects of the Norman Conquest. The passage from slavery to serfdom would be accomplished by settling them upon the soil, endowing them with a few acres of land, and exacting purely agricultural services.

The free tenants.

The tenants in villeinage formed an indispensable element in the structure of the manor. In this respect they differed fundamentally from the free tenants, who were not an integral part of the manorial system, but in a sense stood outside the manorial economy. Their position was exceptional. They were attached to the manor mainly by the relatively slight services which they owed to the lord in recognition of his authority over them. They were of course equally concerned with the other villagers in the joint agriculture and in the communal practices as to the rotation of crops, the use of the commons and the setting up of hedges, but they were considerably less implicated in the labour arrangements of the demesne. Many manors did not contain free tenants[3], and where they existed their privileged position sharply differentiated them from the villeins and cottagers. Their tenure was protected in the king's court, and they could call the lord himself to account if he encroached upon their proprietary rights. Their personal condition was that of freemen, and they asserted all the rights which a legal status bestows. Apart from these legal differences, there were others of an economic character. Their tenements lacked the uniformity of size that was distinctive of the unfree

[1] Round in *Vict. County Hist. Herefordshire*, i. 288-289; *Vict. County Hist. Essex*, i. 361-362; *Vict. County Hist. Warwickshire*, i. 286.

[2] This is admitted by Round in *Vict. County Hist. Worcestershire*, i. 274-276. See also Tait in *Vict. County Hist. Shropshire*, i. 302-303.

[3] Ballard, *Domesday Inquest*, 113.

holdings. Traces of the original virgate system[1] still appeared among them, but its regularity had long been destroyed. The unity of the villein tenement was preserved by the practice of indivisible inheritance and by the restraints imposed on alienation. But the privileged tenants were permitted a scope of action incompatible with the maintenance of a uniform system of freeholds. There was a similar irregularity in the services with which the freeholds were burdened. They were seldom alike in any two cases, nor did they necessarily correspond to the size of the holding, but were in each case[2] separately determined between the lord and the individual tenant. The relation of the free tenant to the lord was in fact more in the nature of a contract; it was not cast in the rigid and unvarying mould which stamped the serfdom of the villein, and accordingly lent itself more easily to irregularities. Frequently the services were merely nominal and in any event did not include week-work on the lord's demesne, the distinguishing mark of base tenure. It is true that they were often responsible for boon-work at harvest-time, for the harvest was the critical period when none could be spared. At Finden in Derbyshire, for example, the holders of free land had to provide labour for six harvest days in the year, one man on the first day, two on the second, and their whole household on the subsequent days[3]. Apart from this, however, their obligations took the shape of a money-rent. Altogether they appear as an exceptional class enjoying unusual advantages[4].

Freemen and sokemen.

The class of free tenants, while clearly distinguished from the villeins by their status and the nature of their services, comprised subdivisions among which a further distinction has now to be drawn. Domesday Book records the existence of two main groups of free tenants: the *liberi homines* and the *sochemanni*. In some counties the distinction between the two classes is clearly marked, and here the freemen and the sokemen appear definitely side by side. In other counties they are grouped under the same name, the term

[1] Vinogradoff, *Villainage*, 334-339. [2] *Ibid.* 345-346.
[3] Round, "Burton Abbey Surveys", in *English Hist. Review*, xx. 285.
[4] For differences between free and unfree tenure, cf. *Plac. Abbrev.* 177 *a*.

liberi homines being applied in the eastern midlands and the term *sochemanni* in the southern counties, but even here the difference was not lost sight of, and is usually indicated by some additional phrase[1]. We can therefore scarcely regard the two groups as identical, or explain the names as simply local variations. None the less the line of demarcation between them is uncertain, for Domesday terminology is full of difficulties and the connotation of its terms is variously interpreted. Indeed, it may very well have been that "the complication of tenures which had grown up under the English system was almost as obscure to the newcomers as it is to ourselves"[2]. It is usual to derive the word sokeman from 'sake and soke', an 'alliterative jingle'[3] implying the private jurisdiction of a lord. The sokeman is accordingly one who is subject to the jurisdiction of his lord, to whom he must render suit of court, while the freeman was admitted to the national courts. The difficulty, however, in the way of this interpretation is that many sokemen were suitors of the national courts, while on the other hand many freemen attended the court of a lord. On the whole the difference between the freemen and the sokemen appears to turn on their relation to their land. The freeman as a rule enjoyed full powers of disposal over his property. Domesday Book states that he 'held freely' and 'could go with his land where he would', an expression which implies that he was at liberty to sell or otherwise alienate his property[4]. He could apparently at will dissolve the ties which connected him with his lord by 'receding', and placing his land under the protection of another lord. But the sokeman was restrained from selling his land, nor could he commend himself to another lord. He was bound to the soil, and if his position proved irksome he could only escape it by abandoning his holding and going forth a landless beggar. Thus while the *liber homo* and the *sochemannus* were alike personally free in

[1] Ballard, *Domesday Inquest*, 113-114.

[2] Round in *Vict. County Hist. Essex*, i. 359.

[3] Maitland, *Domesday Book and Beyond*, 104-106, 135, 140; Vinogradoff, *English Society*, 124, 432-433. See also Ballard, *op. cit.* 117, 164.

[4] J. H. Round, *Feudal England* (1895), 24, 34; *Vict. County Hist. Hampshire*, i. 440.

status, the former enjoyed greater liberty in relation to his tenure. The sokeman possessed no security against the arbitrary exaction of increased services, but the freeman could evade unfair obligations by transferring his land at will[1]. The dividing line was not, however, always uniform, for we hear of freemen who could not sell their land and of sokemen who were able to do so[2].

The growth of free tenants due to:—

At the time of the Domesday Inquest the free tenants, though scattered over some twenty counties[3], formed an appreciable element of the population only in Danish districts. In Lincolnshire, where they exceeded the number of villeins and bordars combined[4], their percentage was as high as 45; in Norfolk it was 32, and in Suffolk 40. It seems most natural, therefore, to regard these as in the main Danish warriors who had settled on the soil without losing their freedom. Altogether, however, they embraced only 12 per cent. of the whole population. But the manorial rolls subsequent to the compilation of Domesday Book afford evidence of changes in the distribution and numbers of the class of free tenants.

(1) The sokemen who, as we have seen, were freeholders but distinguished from the rest by special customs, appear outside the Danelaw and East Anglia. They are recorded in counties where Domesday Book does not mention them, and where their predecessors of the eleventh century were termed villeins. It is no doubt possible to infer an improvement in status, and to assume that these sokemen were formerly villeins who had emancipated themselves from the more servile burdens of villeinage[5], namely week-work, and so acquired a superior condition. But the appearance of these post-Domesday sokemen outside the Danelaw may be explained as the result of a change in terminology[6]. The Domesday Survey apparently included among the *villani* many peasants who, while responsible for some

(i.) Changes in terminology.

[1] Vinogradoff, *English Society*, 434-435.
[2] Maitland, *Domesday Book and Beyond*, 105.
[3] See map in Seebohm, *Village Community*, facing p. 86.
[4] W. O. Massingberd, "The Lincolnshire Sokemen", in *English Hist. Review*, xx. 699.
[5] W. J. Ashley, *English Economic History* (1909) i. 25.
[6] For this suggestion I am indebted to Professor Vinogradoff.

rural services, were in the main free and attended the royal courts. But at a subsequent period, when the distinction between those admitted to the royal courts and those under the lord's jurisdiction became the decisive test of tenure and status, and the primary factor in social grouping, these peasants obtained recognition as privileged tenants, and were henceforth termed sokemen. This is shown by the history of the men of Kent. To all intents and purposes most of them were free sokemen, and by this name were sometimes actually designated [1]. They performed no week-work and discharged their obligations by the payment of a money-rent; their tenure was protected and their status was that of freemen. Thus in the thirteenth century "there was no villeinage in Kent" [2]; and yet in Domesday they are described as villeins. Their condition in the intervening period does not appear to have undergone any change in social advancement, but there had been a change in terminology. Further, some confusion may also arise from the fact that the term sokemen was sometimes extended to include tenants other than freeholders. The lawyers of the thirteenth century distinguished between three kinds of men, freemen, villeins and sokemen, and the sokemen enumerated in this classification were not freeholders at all, but privileged villeins confined for the most part to manors on the Ancient Demesne of the Crown. They differed from the ordinary villein in the legal protection afforded to their holdings and in the certainty of their services. "There is another kind of villeinage", says Bracton, "held of the king since the Conquest of England, called villein socage, which is villeinage but privileged. The tenants, for instance, of demesnes of the king have this privilege that they cannot be removed from the soil, as long as they are willing and able to do the required services . . . they perform villein services, but certain and fixed" [3]. Their villeinage was thus exceptional

[1] Vinogradoff, *Villainage*, 206.

[2] *Il ad nul vylenage en Kent*: *Year Book*, 30 Edw. I. p. 169.

[3] Bracton, f. 209. Thus in 1282 the men of the bishop of Carlisle at Horncastle brought a writ against him for exacting other services than those due to him, and won their case: *Vict. County Hist. Lincolnshire* ii. 300. On the Ancient Demesne, see Vinogradoff, *Villainage*, c. 3.

and privileged, but none the less their exclusion from the public courts and the exaction of week-work stamped their tenure as servile. They were accordingly quite distinct from the free sokemen, and at the best they can only be described as villein sokemen.

(2) In other cases the increase in the number of free tenants was real and not merely apparent, and can be definitely traced to the creation of new holdings carved out of the demesne or the waste. Instead of the demesne remaining in the lord's occupation a portion of it, sometimes differentiated from the rest by the term 'inland,' was often alienated to tenants at a money-rent and held in free tenure. This practice was fairly common, as we may infer, for example, from a charter of the earl of Chester (1285), which enjoined that "if any convert the earl's demesne into tributary land, whether it be a farmer or a bondman that hold it, he shall pay tithe"[1]. Two circumstances favoured the practice of curtailing the demesne in the interests of new tenants. It was necessary to reward the services of manorial officials[2], and in the feudal age services of almost any kind were usually requited by a grant of land. Again the growth of population involved the need for making some provision on their behalf, and it was easier to sever a portion of the home farm than to attempt a redistribution of the manorial holdings. The cultivation of the waste afforded another method of coping with the pressure of population. Land was reclaimed for purposes of tillage, and was either added to the demesne or granted out to tenants. The clearance of the waste (essart) was of advantage to the lord who received the rent, and to those who were allowed to occupy it, but it conflicted with the interests of the villagers[3] whose rights over the waste were proportionately diminished. The new holdings thus fashioned out of the demesne and the waste were seldom large in size, and consisted as a rule only of a few acres, but there was no regularity. Among the new tenants for whom opportunities of rural employment were thus afforded

(ii.) *Creation of free tenements.*

[1] *Charter Rolls*, ii. 317.

[2] *Infra*, p. 55.

[3] *Infra*, p. 73.

were artisans [1], for the mediaeval workman usually combined the cultivation of a small plot of land with industrial pursuits.

(iii.) Commutation.

(3) Finally, the class of free tenants was recruited to an increasing extent from tenants in villeinage who had commuted their labour services for the payment of rent in money. But this was a development which will be examined later in connexion with the break-up of the manorial system [2].

Officials of the manor.

The different groups of tenants comprised within the manorial community were knitted together, not only by their common interests in the open fields, but also by their common subjection to the lord of the manor. The authority of the lord was exercised through a ministerial body which formed an important element in the rural population. A thirteenth-century treatise, the *Seneschaucie* [3], describes the duties of the different manorial officers, the seneschal, bailiff and other servants of the demesne, upon whose industry and ability depended the working of the manorial system. Where the lord owned several manors, the charge of their administration was entrusted to the seneschal or steward, who must, says the treatise, show fidelity, prudence and foresight, and possess a knowledge of legal lore to safeguard the lord's rights and advise the bailiffs in their difficulties. Twice or thrice in the year he is to make his round and visit the manors of his stewardship, making inquiry of rents and services and customs, amending what is wrong and protecting the lord's interests as need arises. He should know how much land is in demesne and the amount of crop it is expected to produce. "And if there be any cheating in the sowing, or ploughing, or reaping", on the part of the customary tenants, "he shall easily see it". He may not remove the bailiff, but if the latter is incompetent, "or if he have committed trespass or offence in his office, let it be shown to the lord and to his council, and he shall do as he shall think good". The seneschal is to be responsible to the lord, who must not abdicate his authority by entrusting to the steward powers

The seneschal.

[1] *E.g.* Hale, *Domesday of St. Paul's*, 52 (weaver with five acres).
[2] *Infra*, p. 77.
[3] Printed in Walter of Henley, *Husbandry* (ed. E. Lamond, 1890).

which are beyond a seneschal's province; for example, the seneschal may not sell or enfranchise a villein without special warrant from the lord. In the main the duties of the seneschal are those of general supervision. He "ought on his coming to each manor to see and inquire how they are tilled, and in what crops they are, and how the cart-horses, and avers, oxen, cows, sheep and swine, are kept and improved". He must also ascertain "how the bailiff bear himself within and without, what care he takes, what improvement he makes, and what increase and profit there is in the manor in his office, because of his being there. And also of the provost and hayward and keeper of cattle and all other officers, how each bears himself towards him, and thereby he can be more sure who makes profit and who harm". The bailiff in his turn is responsible for the management of the estate. He must know "everything connected with his baillie . . . for a bailiff is worth little in time of need who knows nothing and has nothing in himself without the instruction of another". He is to "rise early every morning and survey the woods, corn, meadows and pastures, and see what damage may have been done". He should take care that the ploughs accomplish their appointed task day by day, and cause the land to be marled, folded, manured and improved. He must see that the customary tenants perform their services, and that the horses, and oxen, and all the stock are well kept, that the corn be well and cleanly threshed, and the land well ploughed and well sown. He must also dispose of the surplus produce of the manor in neighbouring markets. The reeve is chosen by the village community as the best husbandman in their midst. His duties are manifold, and embrace the supervision of all the actual work done by the tenants on the farm. In practice, where the manor included both a bailiff and a reeve, it must have been difficult to draw a clear line between their functions. But the bailiff enjoyed a position of greater responsibility, while the reeve would seem to have been answerable for any shortcomings on the part of the tenantry. The rest of the treatise is taken up with a description of other manorial servants: the hayward who

The bailiff.

ought to be an active and sharp man, early and late looking after the wood, and corn and meadows; the auditors to whom accounts are rendered and the complaints of the tenants brought; the ploughmen who must be men of intelligence and know how to drive the oxen without beating or hurting them; the waggoners who should load and carry without danger to the horses, and lastly the cowherds, swineherds, shepherds and dairymaids.

The office of reeve.

In the thirteenth century the reeve was inferior to the bailiff alike in status and functions; broadly speaking, he represented the interests of the villagers as the bailiff represented those of the lord. The office was an unpopular one on account of the responsibility involved, and liability to serve as reeve was regarded as proof of villeinage [1]. The following passage from the manor rolls of Brightwaltham (1293) will serve to illustrate both the choice of a reeve and the large payments made to avoid the burden. The jurors on the manor "say that John Atgreen, John of Southwood, Thomas Smith and Richard Young are the best and most competent men of the whole vill for the purpose of filling and executing the office of reeve. And of these the steward has chosen Thomas Smith for the office. Afterwards the said Thomas made fine that he might be absolved from the office of reeve and gives the lord forty shillings" [2]. In earlier times the relation between the reeve and the bailiff would seem to have been the reverse. The *gerefa* and the *bedellus* are mentioned in Domesday and were, it is supposed, of villein origin [3]. The reeve at this period acted on behalf of the lord's interests and took precedence of the 'beadle' to whom he was superior [4]. His duties in Saxon times are set forth in an eleventh-century treatise on the *Gerefa*, the terms of which recall the description given above of the steward and the bailiff. "The sagacious reeve ought to know both the lord's land-right and the folk-rights, even as the counsellors of olden days have determined; and the season of every crop that pertains to a homestead; since, in

[1] Vinogradoff, *Villainage*, 318 (*n.* 3); Neilson, *Customary Rents*, 101.
[2] *Select Pleas in Manorial Courts*, i. 168; *Pembroke Surveys*, ii. 345.
[3] Round in *Vict. County Hist. Herefordshire*, i. 287-288. [4] *Ibid.*

many districts, the farm-work is earlier than in others. . . . Let him who holds such office take heed that he guard and further every work according as is best for it. . . . He ought prudently to consider and diligently to look into all the things that may be for his lord's advantage. . . . He must know both the less and the more, both the greater and the less important matters that concern a homestead, both in the farm-yard and on the down, both in wood and in water, both in field and fold, both indoors and out". There follows an enumeration of "matters that concern a homestead" so detailed that the writer at length exclaims: "It is toilsome to recount all that he who holds this office ought to think of. . . . Many things are needed for a faithful reeve of a household and for a temperate guardian of men" [1].

Importance of the ministerial body.

The servants of the manor formed a very large body, generally drawn from the inhabitants of the village whose surplus population found employment upon the demesne. Their services were rewarded in different ways. Land was often attached to the office of reeve [2], and at other times he was allowed a partial or even complete remission of the rents and services due from his tenement [3]. This was doubtless a common provision, while those permanently employed would receive food and drink and clothing [4]. The importance of this administrative staff in the economic organization of the manor can scarcely be over-estimated [5]. "It mediated between lord and subject, between military order and industrial order". It linked up the various estates belonging to the lord and constituted the channel of intercourse between different parts of the country. Within the manor itself it acted as the brain of the community, directing its affairs and administering its concerns; in a word, regulating and controlling all the varied economic activities of mediaeval rural life.

Hitherto we have dealt only with one aspect of the

[1] *The Gerefa*, printed in Liebermann, *Gesetze*, i. 453-455 (trans. in W. Cunningham, *Growth of English Industry and Commerce* (1910), i. App. B.).
[2] *Charter Rolls*, ii. 194; charter speaking of *land pertaining to the office of reeve*. [3] *E.g. Custumals of Battle Abbey*, 27, 54, 66.
[4] Vinogradoff, *Villainage*, 320; *Growth of the Manor*, 359. [5] *Ibid.*

The agrarian 'shell'.

mediaeval rural community, the structure of the manor and the economic rights and obligations of the various classes comprised within it. We have now to speak of the agrarian 'shell' into which the manorial population fitted, the forms and methods of husbandry and the more important features of agricultural organization.

Stages in the history of agriculture.

In the history of English agriculture two important stages are clearly marked, and the contrast between them forms the natural starting-point for investigation. The first stage is that of the open field system which lasted throughout the Middle Ages, and survived in some parts of the country to the opening of the nineteenth century. The second stage is that of enclosures which began in the fifteenth century or even earlier[1], and in our own day[2] have completely superseded all other systems of tillage. The history of mediaeval husbandry is therefore the story of the open field system and the passage to the methods of cultivation now in vogue.

The open field system.

The open field system took its name from one of its most striking features, the wide and extensive tracts of arable land which stretched away from the village on every side, and throughout the year or during a great part of it remained open to the trespass of man and beast. In accordance with modern principles of farm-management, land set apart for purposes of tillage is enclosed all the year round by hedges which usually are never removed. But in mediaeval husbandry there was no permanent separation of arable and waste. Between seed-time and harvest, while the corn was growing, the land under crop was protected against trespassing by temporary enclosures rudely constructed to serve an immediate end. Once, however, the harvest was reaped and the corn gathered into the barn, the hedges were removed and the fields then lay open; the village cattle could stray in and graze upon the stubble, and the land was treated as common pasture. The meadow also was only enclosed during part of the year while the hay was growing,

[1] *Infra*, p. 119.

[2] For some modern survivals of open fields, see G. Slater, *The English Peasantry and the Enclosure of Common Fields* (1907), 8; *Vict. County Hist. Gloucestershire*, ii. 166. The two field system existed at Stogursey in Somersetshire in 1879: R. E. Prothero, *English Farming Past and Present* (1912), 23.

and when the hay was cut it reverted to the condition of waste. The land of a mediaeval village can thus be regarded as primarily waste, of which portions were temporarily enclosed and ploughed up in order to provide the villagers with corn.

Forms of open field husbandry.

There were two forms of open field husbandry, extensive and intensive, and each corresponds to a different phase of economic growth; the former to the tribal stage, the latter to the stage of the settled community [1]. In the case of extensive cultivation, or as it is sometimes termed 'the co-aration of the waste' or 'wild field-grass' husbandry, there were no permanent arable fields, but every year a different piece of land was tilled and after the removal of the crop was abandoned in favour of other soil. Each year fresh ground was broken up by the plough and then was left to return again into grass. This system of agriculture was natural to primitive races and may still be found among the more backward peoples of the earth. Under the intensive system, on the other hand, the same land remained permanently under cultivation, and instead of an annual change of fields a definite part of the village was retained for arable purposes. It is scarcely possible to determine with certainty when intensive methods of cultivation replaced extensive. Among the ancient Germans described by Caesar and Tacitus the more primitive system was in vogue. When Caesar wrote (*c.* 50 B.C.) they were still in the pastoral stage and passed their lives in fighting and hunting, though occasionally they sowed a crop and reaped it [2]. A century and a half later agriculture had become their main pursuit, but Tacitus expressly tells us that "they change the ploughed fields annually and there is land to spare" [3].

Evidence of ancient writers.

It has been commonly assumed from these statements that the agriculture of North Europe at this period was in a primitive state, but it must be remembered that the social and economic conditions which prevailed among the tribes known to Caesar and Tacitus were exceptional. They are

[1] Seebohm, *Customary Acres*, 102.
[2] Caesar, *De Bello Gallico*, iv. 1; vi. 22, 23.
[3] Tacitus, *Germania*, 26: "Arva per annos mutant, et superest ager."

not typical of the tribes from which the invaders of Britain were drawn centuries later, dwelling in remoter parts away from the frontier of the Roman Empire, and with which Caesar and Tacitus do not appear to have come into contact. The growth of a military spirit [1] may very well be the explanation why tillage here was unprogressive, but in any case the evidence of ancient writers must not lead us into hasty inferences as to the condition of agriculture among the peoples of North Europe. Archaeological discovery has brought to light the fact that cereals were cultivated among the Baltic nations as far back as the Stone Age, while among rock-carvings found at Tegneby in Sweden is a representation of a plough, drawn by two oxen, belonging to the Bronze Age[2]. It is probable, therefore, that the invaders brought with them an advanced system of agriculture, and we can scarcely suppose that they carried on extensive cultivation in England after their settlement. In some districts local conditions may have prompted a recourse to wild field-grass husbandry, but there is an undue tendency to regard as archaic survivals practices which may be quite modern, despite a certain resemblance to primitive usages. In all ages like conditions have suggested like expedients, and where we find examples of extensive culture we need not regard them as proof that the English invaders practised the system in this country. In the eighteenth century, for instance, Arthur Young found traces of it at Ganton and at Boynton in Yorkshire, where the farmers "plough up the turf and sow barley or more often oats, and then leave the soil to gain of itself a new sward" [3].

Archaic survivals.

But the best known example of extensive cultivation is that of Lauder in Berwickshire, where "the arable shifts periodically" [4]. According to a description written in 1870, "the lands of the burgh consist of . . . Lauder Common, extending to about 1700 acres, which has from all time of which there is any record been possessed thus. A portion

[1] Chadwick, *Origin of the English Nation*, 306; *Cambridge Mediaeval History*, i. 387. [2] *Ibid.*

[3] A. Young, *Six Months' Tour* (1771), ii. 7, 14. Extensive cultivation also survived at Stoford (Wilts) where the land was *denchered*: *Pembroke Surveys*, ii. 543. [4] Sir H. S. Maine, *Village Communities* (1876), 95.

of it has been set off periodically, say once in five or seven years, to be broken up and ploughed during that time, and at the end of that time fixed has been laid down in grass, and grazed along with other lands; when another portion of the common was in the same way broken up and ploughed, and again laid down in grass. The portion of the common so broken up and ploughed at a time has, of recent years, been about 130 acres in extent". It is tempting to see here an archaic survival of primitive agrarian practices, but in all probability it is nothing more than "a striking instance of the old Scottish system of 'out-field' cultivation applied to common lands"[1]. A description of the 'out-field' system is given by Scott in the opening pages of *The Monastery*: "The part of the Township, properly arable, and kept as such continually under the plough, was called *in-field*. Here the use of quantities of manure supplied in some degree the exhaustion of the soil, and the feuars [church vassals] raised tolerable oats and bear, usually sowed on alternate ridges, on which the labour of the whole community was bestowed without distinction, the produce being divided after harvest, agreeably to their respective interests. There was, besides, *out-field* land, from which it was thought possible to extract a crop now and then, after which it was abandoned to the 'skiey influences' until the exhausted powers of vegetation were restored. These out-field spots were selected by any feuar at his own choice[2], amongst the sheep-walks and hills which were always annexed to the Township, to serve as pasturage to the community. The trouble of cultivating these patches of out-field, and the precarious chance that the crop would pay the labour, were considered as giving a right to any feuar, who chose to undertake the adventure, to the produce which might result from it".

Intensive cultivation.

It is not difficult to understand the motives which prompted the adoption of an intensive system of tillage. The alternative form of husbandry is only possible indeed

[1] J. H. Romanes, "The Village Economy of Lauder", in *English Hist. Review*, xxix. 536, where Scott's description is also mentioned.

[2] At Lauder the system was more organized: *ibid.* 535.

among nomadic or migratory tribes, which are able to wander at will over an unlimited area. In process of time men come inevitably to acquire more settled habits, and the roving instinct is then superseded by a feeling of attachment to their homesteads. Moreover, the growth of population, and the gradual restriction of territory owing to the encroachment of neighbouring tribes, rendered it impossible "to change the ploughed fields every year". The change to settled agriculture would be facilitated by the growing experience of the cultivators, who would find that by means of manuring and the concentration of their efforts on the same piece of land they could greatly improve the quality of its crops.

Two field and three field systems.

The adoption of intensive methods of cultivation was necessarily accompanied by new methods of laying out the land. The arable fields of the village were now held in permanent occupation, but it was scarcely possible to cultivate them year after year without affecting the quality of the crops, and impairing the condition of the soil. The land needed periods of rest to recuperate its natural fertility. Accordingly it was divided into large tracts, of which each was cultivated in turn. This gave rise to what are known as the two field and the three field systems, which commonly replaced the one field system, or "whole-year lands"[1], where the entire acreage was brought under cultivation at the same moment. Under the two field system the whole arable area was arranged in two fields, and each was tilled one year and lay fallow the next. The field under cultivation was either sown entirely with wheat, or one half of it was sown in autumn with winter corn, wheat or rye, and the other half in the early part of the year with spring crops, barley or oats[2]. The field that lay fallow was ploughed twice over at the beginning of summer, though

[1] The one field system survived in Norfolk and part of Suffolk: Slater, *The English Peasantry*, 179.

[2] Walter of Henley, *Husbandry*, 7, 9, 67. Fitzherbert advises that (i.) barley and oats should be sown in March; (ii.) the best time to fallow was the latter end of March and April; (iii.) the second 'stirring' should be in August and the beginning of September; (iv.) wheat and rye should be sown about Michaelmas: *Book of Husbandry* (ed. W. Skeat), 23, 25, 39.

apparently in more remote times[1] there was only one 'stirring' of the fallow. Under the three field system the land was divided into three fields, of which two were cultivated every year, one with winter crops and the other with spring crops, while the third field lay fallow and was ploughed twice. The merit of the three years' rotation of crops was that it produced more crops for the same amount of ploughing. This is shown by Walter of Henley who wrote a treatise on *Husbandry* in the thirteenth century[2]. If 160 acres were ploughed on the two course system, the plough would cover in a single year 240 acres, since the field under crop containing 80 acres was ploughed once, and the other field equal in extent was ploughed twice; but the amount of crop would only be that of 80 acres. If again 180 acres were tilled on a three course system, the plough would still traverse 240 acres, each of the two fields under crop accounting for 60 acres, and the fallow field for 120; but this time the crop would be that of 120 acres. Walter of Henley's programme of cultivation was apparently ideal, rather than an expression of what the plough could actually accomplish in a year[3]. Still it is clear that where the three field system was in vogue, a larger extent of land could be cultivated at no greater cost than was required to cultivate a smaller area on the alternative plan. In like manner, to obtain a fixed return of so many crops, the expense of ploughing was less under the system of three courses than under that of two. On the other hand, it could be argued in favour of the two field system that since the land received more regular fallowing, every other year instead of one in three, the quality of the crops would be better. It is uncertain which system prevailed more generally in England. The three course rotation appears to have been regarded in some places as advanced farming even as late as the fourteenth century[4], and this would suggest that in earlier times it was less common.

[1] C. M. Andrews, *The Old English Manor* (1892), p. 260.
[2] *Husbandry*, 8 (*n.* 1).
[3] Maitland, *Domesday Book and Beyond*, 398.
[4] *Ibid.* 366 (*n.* 3).

Ultimately it was probably more general, at any rate in the south [1].

Intermixed ownership.

Whatever the form of open field husbandry, whether the extensive or the intensive system of cultivation prevailed, the distribution of land among the village community was governed by the same principles of allotment. We are accustomed nowadays to the idea of a ring-fenced farm with a compact area of land lying together in one block, and separated by hawthorn hedges from neighbouring farms. But the mediaeval tenement was composed of small strips scattered in every direction over the open fields and lying intermixed among the other holdings. The whole arable land of the village was parcelled out in a multitude of strips, divided by narrow pieces of unploughed turf, termed *balks*. The size of the strips varied; some were acre strips, a furlong in length—the drive of the plough before it turned [2]—and four rods in width; others were half acre strips, where the length was similar but the width was halved. Each cultivator owned a number of strips, but not in a compact bundle. This practice of splitting up a farm into tiny plots, and dispersing them among the numberless plots of other owners, was the most striking and fundamental feature of the open field system. The large stretches of arable fields, strewn everywhere with countless patches, presented a most chequered and variegated appearance with their mosaic of strips and maze of proprietary claims. The system of intermixed ownership is brought home vividly in the fact that many title-deeds conferring a grant of land give the boundaries of the whole village, the individual enumeration of all the scattered strips being a tedious process. Hence the same boundary might be repeated in two or more title-deeds having reference to entirely different holdings [3].

[1] J. E. T. Rogers, *History of Agriculture and Prices* (1866), i. 15, holds that the two field system was the prevailing one. Nasse, *Agricultural Community*, 57, controverts Rogers' view. Walter of Henley describes the two field system as existing in many places, but evidently regards it as more uncommon than the three field; "and *if* your lands are divided in two, *as in many places*": *Husbandry*, 9.

[2] Seebohm, *Village Community*, 2. For the different names of the strips, *rigs*, *selions*, *dales*, *stitches*, etc., see Prothero, *English Farming*, 24.

[3] Nasse, *Agricultural Community*, 23 *et passim*.

The antiquity of the system is shown by a law of Ine: "If ceorls have common meadow or other land divided into strips (*gedal-land*) to fence and some have fenced their strip, some have not, and [cattle stray in and] eat up their common corn or grass, let those go, who own the gap, and compensate the others who have fenced their strip the damage which may have been done" [1]. In explanation of this passage, it should be observed that every strip-holder was responsible for the fencing of those of his strips which met the common boundary of the open fields.

Its origin.

The origin of the system of intermixed ownership must remain conjectural. One theory connects it with the practice of co-operative ploughing which, as will be seen, was an important feature of mediaeval husbandry. The evidence of the ancient laws of Wales [2] is employed to solve what has been called "the riddle of the open field system". They reproduce its familiar traits and show us the system of land distribution actually at work. The plough-team was composed of eight oxen, and all who took part in the ploughing were required to bring either oxen or implements, and entrust them to the care of the ploughman. In return they were awarded a share in the produce, and as the land was tilled it was parcelled out among them. Every day a fresh strip was broken up, for an acre strip represented the amount of land which could be ploughed in a single day [3]; and every day a strip was assigned to the different members of the agricultural group in rotation according to the value of their contribution to the co-tillage. One strip went to the ploughman, another to the driver, another to the owner of the plough irons, and one each to the owners of the oxen. In this way every one who was entitled to some part of the produce received a strip of land as his turn came round. From the evidence of the Welsh Code three conclusions would seem to follow. In the first place the strip-system, however inconvenient it no doubt

[1] That the term gedal-land = 'dole' land, *i.e.* partible land—arable fields cut up into strips—is shown by Seebohm, *Village Community*, 110 (*n.* 2).

[2] *Ibid.* c. iv. sec. 3.

[3] Walter of Henley assumes that the ploughing ends each day "a noune": *Husbandry*, 9.

subsequently became, was due originally to the practice of common ploughing. The strips were scattered because they were allotted piecemeal, one by one, as a result of a daily distribution of the soil. Secondly, the small size of the strip would be accounted for by the fact that it represented the extent of land which the plough covered in one day. Finally, it explains the system of graduated holdings which, as already noticed [1], was a distinguishing characteristic of the mediaeval village. The position of the peasant in the economic structure of the mediaeval rural community was made to depend upon his possession of the requisite number of oxen. The crofter, who had no oxen at all, had no strips in the open fields or at best was allowed a few scanty acres in consideration of some slight services. The peasant with a single ox received fifteen acres of land, while the virgater, the villager *par excellence* who held thirty acres, contributed two oxen to the co-aration.

An alternative hypothesis.

This explanation of the English system of scattered ownership seems to be untenable. It may be admitted that the scale of graduated holdings appears to correspond to the different parts of the plough-team [2]; and the size of the strip was undoubtedly the measure of a day's ploughing. But there is no evidence that in England the ploughing was followed by any distribution of strips [3]. Moreover, we find the system in Central Russia where only a single horse goes to the plough [4]. In England again, while the heavy plough drawn by eight oxen was usual on the lord's demesne, yet the villagers themselves for their own holdings commonly employed the small four-oxen plough [5]. It is clear also that if the principle underlying the allotment was based upon shares in the plough-team, then the owner of a hide, a hundred and twenty acres which corresponded to a full team, would have been independent of his neighbours' assistance and in possession of a compact and separate holding, instead of a scattered tenement as was actually the case. The virgater,

[1] *Supra*, p. 34.

[2] Vinogradoff, *English Society*, 282; *Villainage*, 252.

[3] Andrews, *Old English Manor*, 162; Maitland, *Domesday Book and Beyond*, 346 (*n.* 1).

[4] Vinogradoff, *Villainage*, 253-254.

[5] *Ibid.*

on the other hand, with his two oxen would have been grouped with three other villagers, in a like position to his own, in the sequence [1] of the strips. It is more probable, therefore, that the system of strip-holding originated in the desire to secure equality [2]. The arable land of a village was not everywhere uniform in quality, and one part differed much from another in fertility and advantage of situation. It was possible for the value of the soil to vary greatly within a very narrow compass [3], while the distance of the remoter fields from the village was often considerable. At Naseby, for example, "the farm-houses and barns" were "all in the village which is two miles away from a great part of the field" [4]. Hence it was necessary to avoid continuous tracts of property in parcelling out the village lands among the members of the village community. Inconvenient though the system of strip-holding proved to be, it had its roots in the primitive instincts and fundamental principles of mediaeval rural life, the equality of the share-holders in the common fields. Intermixed ownership was devised in the interests of the community as a whole; it sacrificed the individual, but in its origin it was intended to promote fairness in the distribution of each man's property. Every one was given a share alike of soil that was good and bad, and soil that was near and far. The method of allotment sprang from the determination that no one should benefit at his neighbour's expense, and the tenacity with which the open field system continued to survive for centuries, in spite of defects that were incontestable, can only be explained on the ground that it was the product of forces as old as the village community itself. At a later period these forces were also at work in the New World, and they are said to account for "the original distributions of land in the older New England towns" [5].

At first the strips were allotted afresh every year. The

[1] Vinogradoff, *Villainage*, 253-254.

[2] *Ibid.* 234 *et passim*; Andrews, *Old English Manor*, 162.

[3] The value of one acre could be eight times that of another in the same field: Maitland, *Domesday Book and Beyond*, 380.

[4] E. C. K. Gonner, *Common Land and Inclosure* (1912), 309.

[5] Andrews, *Old English Manor*, 162.

'Ideal' and 'real' ownership.

right of a cultivator was not to retain his strips in permanent ownership, but to be assigned a portion in the annual redivision. Thus while occupation in severalty existed[1], this occupation was 'shifting', and there was accordingly a constant interchange of holdings. But when intensive succeeded extensive methods of cultivation, the practice of periodical redistribution must very soon have come to an end, and each individual was then allowed to keep his portion and hand it on unchanged to his sons. His interest in the soil ceased to be 'ideal', and developed into a 'real' and lasting ownership of his own particular strips[2].

Joint husbandry.

The intermixture of strips was due to the presence of a strong element of communalism in the mediaeval village, in which the principle of private ownership of land received ample recognition, but the free play of individual enterprise and initiative was obstructed. This communalist side of village life found further expression in the system of joint husbandry. Mediaeval tillage was co-operative in character, and all the principal operations of agriculture were carried on in common. Indeed, the association of all the tenants in the open fields in a general partnership was rendered necessary, in any case, by the fact that a peasant would seldom possess sufficient oxen to do without his neighbours' assistance. Accordingly the villagers worked together, ploughing and reaping every strip as its turn came round. On the other hand, the produce of the strips went to the individual owners, for rural life was only communistic in one direction. There was co-operation for purposes of production, but there was no communistic division of the produce, and no general sharing out of the crops among those who had taken part in the work.

However the practice of strip-holding may have originated, there can be little question as to the incon-

[1] The 'Mark Theory'—that land was owned by the community before it was owned by individuals—is now discarded as "a figment of the Teutonic imagination". See Fustel de Coulanges, *Origin of Property in Land* (English trans., 1891); Maitland, *Domesday Book and Beyond*, Essay 2, § 6. W. J. Ashley, *Surveys Historic and Economic* (1900), 161.

[2] The survival of shifting ownership in arable in Early England is discussed by C. I. Elton, "Early Forms of Landholding", in *English Hist. Review*, xviii. 427-444.

venience of a system of intermixed ownership. It was wasteful, unsystematic, and in every way bad economy. It is difficult to understand how a mediaeval farmer could attend to his land with efficiency, when it was scattered over the whole village area. Instead of a compact property he was responsible for a crowd of disjointed plots, and proper supervision became hopelessly impossible. Much valuable time was lost in moving about from one strip to another, and a careful farmer was also hampered by other difficulties. It was largely labour thrown away to clean the soil [1] when he was at the mercy of unthrifty and careless neighbours, from whose untidy strips the wind readily carried the seed of thistles to his own. Time again was wasted in quarrels between the owners of coterminous strips over alleged encroachment on one another's land, for the grass balks were no barrier to trespassers. But the chief drawback of the common fields was that they bound the cultivator to a system of common tillage. The compulsory character of mediaeval husbandry affected all strip-holders alike, whether the lord of the manor, or the freeholder with rights pleadable in the king's courts, or the serf annexed to the soil. No one was free to manage his own land in his own way. The individual farmer was consciously subordinated to the general will, and private interests were sacrificed to the superior 'weal' of the community. Every villager had a voice in the communal management of the whole village territory, but he was denied complete individual control over his own acres. Customary rules regulated primitive farming, and traditional practices became stereotyped. Agricultural operations and the concerns of agrarian life were determined upon by the community as a whole: [2] the rotation of crops, and regulation of the ploughing, sowing and reaping, the allotment of meadows and treatment of the common waste, the rules for fencing and removal of hedges, the decisions as to rights of way over the "communal fields" and the maintenance of

Defects of the strip system.

[1] Cf. Seebohm, *Village Community*, 15-16.

[2] Nasse, *Agricultural Community*, 42 *et passim*; Vinogradoff, *English Society*, 476.

roads and paths[1]. All this left little room for innovation or change; and the more enterprising farmer, tied hand and foot by the tyranny of custom and his dependence upon his neighbours, was not allowed to use his land to the best advantage. The culture of open fields afforded no scope for the exercise of special skill and no opportunity to try experiments. The husbandman had to plough and reap at the appointed times, and work in accordance with time-honoured principles however obsolete and futile. The system of intermixed holdings and the practice of co-aration largely help to explain why mediaeval husbandry remained for centuries so backward.

Its merits. On the other hand, it is fair to remark that mediaeval agriculture was not altogether without its compensations. It served at any rate to prevent excessive negligence, for a definite standard of tillage could be maintained where every peasant worked under the eyes of his neighbours, and was subjected to the unremitting supervision of the manorial officials. Moreover, village life in the Middle Ages, in spite of a certain isolation and self-dependency, was much exposed to the disturbances of war. The tiller of the soil was often summoned away from the plough to meet his country's enemies, or to fight the king's quarrels with a turbulent nobility; and the fields were then abandoned to the care of those who remained at home[2]. This would favour a system of joint husbandry and indeed render it an indispensable condition of tillage. But the real merit of the open field system lay in the advantages it afforded to the small

[1] See the bye-laws of Great Tew (Oxon), which "throw a strong reflected light on the actual practices of open field husbandry": Vinogradoff, "An Illustration of the Continuity of the Open Field System", in *Quarterly Journal of Economics*, xxii. 62-82. For rules governing the collective management of the common waste, see "Common Rights at Cottenham and Stretham in Cambridgeshire", in *The Camden Miscellany*, xii. 194 *seq.*

[2] This is recognized in W. Marshall, *Elementary and Practical Treatise on Landed Property* (1804). These disturbed conditions survived longest in the North. Cf. the account of Furness: open field methods "were convenient at the time for which they were calculated", for since "several tenants united in equipping a plough, the absence of the fourth man" when called away for military service "was no prejudice to the cultivation of his land, which was committed to the care of three" others joined with the fourth in the subdivision of the tenements: T. West, *The Antiquities of Furness* (1822), 23-24.

farmer and the rural labourer. Where the system of scattered ownership prevailed, every labourer enjoyed an opportunity to occupy a few acres of land and so attain some degree of economic independence; every cottager could strive to improve his position, adding strip to strip as economy and thrift enlarged his scanty resources; while, above all, rights of common [1] proved an invaluable provision for poor and struggling villagers. The result of the enclosing movement, on the other hand, was ultimately to divorce the labourer from ownership of the soil, to develop the growth of large farms, to accumulate land in the hands of the few, and to drive the rural population from the country into the towns.

The mediaeval tenement.

Hitherto we have been concerned only with one aspect of the open field system—the cultivation of the arable; for this was the basis of mediaeval husbandry, and the most important part of the agricultural system. But other sides of agrarian life should be taken into consideration. The produce of wood, meadow and waste was no less essential to the economic welfare of the villager than the produce of the tillage. A husbandman, observes Fitzherbert, "cannot well thrive by his corn" alone, "for else he shall be a buyer, a borrower or a beggar" [2]. He needed meat for food, and wool for clothing, and peat and turf and timber. To define the mediaeval tenement, therefore, as simply a bundle of strips scattered in the open fields is to convey a totally inadequate impression. The rights over meadow and waste were equally an integral part, and they constituted an indispensable element in the economy of the primitive household. Thus combined with the ownership of the arable were the several appurtenances (*pertinacia*), which were apportioned in accordance with the size of the holding.

The meadows.

The meadows were treated largely after the manner of the ploughed lands, but here the communal aspect of rural life was in even greater evidence. They were divided into strips, and these strips were distributed among the tenants in the open fields. The practice of annual re-allotment

[1] *Infra*, p. 71.

[2] Fitzherbert, *Book of Husbandry*, 42.

however did not come to an end, as in the case of arable, but continued throughout the Middle Ages. The same land was permanently set apart for purposes of growing hay, but each year there was a fresh distribution of the strips either by lot or in rotation. Ownership instead of being permanent was 'shifting'. At Patney, for example, the meadow was divided out each year by lot among eight tenants[1]. Even to this day the water-meadows of Yarnton by the Thames near Oxford are distributed annually, and lots are drawn for the right to mow the grass of particular strips[2]. We can only conjecture the reasons why the strips of meadow were not retained by their owners in lasting occupation, but were assigned afresh every year. In Domesday meadows were few[3], and therefore valuable. In Dorsetshire to-day 95,000 acres grow grass for hay, while in Domesday there were less than 7000[4]. It is rare to find the hay harvest sufficient for the needs of the oxen and horses on the demesne; there was still less hay for the tenantry, while it was even rarer that hay remained over for a market[5]. Nor was this peculiar to the eleventh century, for two hundred years later an acre of meadow was often regarded as equivalent to two acres or more of the best arable land. The average value of arable on twelve Suffolk manors owned by the abbot of Bury St. Edmunds (*c.* 1300) was fourpence an acre, while meadow was worth eighteenpence an acre[6]. At Manchester, according to an 'extent' held in 1322, an acre of arable was valued at eightpence and an acre of meadow at three times the amount[7], while at Cuerdley in Lancashire arable was worth eightpence an acre and meadow half a crown[8]. The value attached to meadow-land was thus considerable, but the fact that it varied[9] militated against permanent allotment. Other

[1] *Pembroke Surveys*, i. 250.

[2] For a history of the custom and the process, see R. H. Gretton, "The Lot Meadow Customs at Yarnton", in *Economic Journal*, xx. 38, and xxii. 53.

[3] Vinogradoff, *English Society*, 287.

[4] Maitland, *Domesday Book and Beyond*, 443.

[5] Vinogradoff, *English Society*, 287.

[6] *Vict. County Hist. Suffolk*, i. 642. See also *Vict. County Hist. Berkshire*, ii. 170 (*n.* 36).

[7] Harland, *Mamecestre*, ii. 381, 386.

[8] *Ibid.* i. 149.

[9] Nasse, *Agricultural Community*, 13.

reasons also explain why meadow-land changed hands annually. The permanent ownership of arable was necessary in the interests of good husbandry. A farmer would not concentrate much effort on his strips, if the next year they were to pass into other possession. But the hay-fields were not tilled or manured, and a temporary partition was therefore not open to this objection. Indeed, there was a distinct advantage in the system of annual redistribution as applied to meadow-land. We have seen that after the hay was mown the fields lay open to common use, and the village cattle pastured upon the stubble. The period of enclosure, termed 'the defence', lasted usually from spring (Candlemas, 2nd February) to Lammas Day (1st August), and accordingly the meadows were commonly called "Lammas Meadows"[1]. Now the strips of meadow were so small that it would not be easy to retain them in individual ownership during the many months of the year when the hay-fields were treated as common pasture, and the practice of re-allotment at the beginning of each season would recommend itself as the simplest and most natural expedient.

Rights of common.

In addition to rights over the meadow, the rights of common constituted a valuable appurtenance which was invariably attached to every holding as an inseparable and indispensable adjunct. On every side of the arable fields lay large stretches of land, which were left uncultivated and served as common waste, and over it the villagers had certain rights. Chief of these common rights was that of pasture, and its importance can scarcely be exaggerated. The system of tillage could not have been carried on without cattle to plough and manure and to carry loads, and accordingly there was vital need for pasture. Private enclosed pasture was unusual[2], and so a portion of the common waste[3] was devoted to purposes of pasturage. This pasture-land is to be distinguished from meadow, since it

[1] *Commons* were waste or pasture-land open all the year; *Lammas Land* was meadow; *Michaelmas Land* was arable, open between harvest and seed-time. *Commons* (*i.e.* uncultivated land) must be distinguished from *Common Fields* (*i.e.* cultivated land). [2] Vinogradoff, *Villainage*, 260.

[3] All commons were not necessarily actual waste land, *i.e.* heaths or marshes: W. Hasbach, *History of the Agricultural Labourer* (1908), 92.

was used all the year round for feeding oxen and horses and sheep. It was not partitioned into strips, and there was no ownership in severalty either permanent or temporary. But the principle of equality was at work here, as in other directions. Just as every villager suffered restrictions where his land was used for grain or hay, so he was restrained from pasturing upon the commons an unlimited number of cattle. The use of the commons was in technical phrase 'stinted', and rights of common were carefully apportioned to the holdings in the open fields. Legal distinctions were drawn between three different kinds of pasture rights: *appendant*, *appurtenant* and *in gross*. Common appendant [1] was a prescriptive right attached to the ownership of arable, and was the most important and the most general. The number of cattle allowed to each holding was fixed, as well as their kind; only 'commonable' beasts employed in actual cultivation, oxen and horses for the plough, and sheep and cows for manuring, were permitted to pasture, and those who overstepped the limits laid down in the communal rules were punished in the manorial court. Common appurtenant [2] was the right to pasture either a greater quantity of cattle or cattle of a kind that was not used in tillage, swine and goats and geese; this right proceeded from the lord's grant or from an agreement. Lastly, common in gross [3] occurred when the right of pasture was extended to those who were not strip-holders, and had no part or share in the cultivation of the arable.

Encroachment upon the waste.

The regulations, by which the management of the commons was carried on, affected every individual alike, and even the lord of the manor was not exempted from their operation. In legal theory he was no less the owner of the waste than of the arable and meadow, but he usually submitted to communal control and recognized the binding force of immemorial custom. If in contempt of local usage he pastured on the waste a greater quantity of cattle than was his due, his action did not pass unchallenged, and cases of litigation were not unknown [4]. The great mass

[1] J. Williams, *Rights of Common* (1880), 31. [2] *Ibid.* 168.
[3] *Ibid.* 184. [4] Vinogradoff, *Villainage*, 272.

of the tenantry were denied a legal status in their relations to the lord, but the freeholders at all events were able to voice the general grievance and claim a hearing in the king's court. A more serious infringement of the villagers' right of common was the curtailment of the waste owing to seigniorial encroachment. The lord was naturally tempted to enclose portions of the waste for purposes of tillage, but this conflicted with the interests of the peasants. The *approvement* of the waste, the right to enclose the commons, developed during the thirteenth century into a burning question. The 'Extent' of Denbigh [1] throws light upon the various stages in the lord's encroachment upon the waste. To begin with, we find woods and pastures "absolutely free", where no dues whatever were paid. Then came other woods and pastures to which small dues were attached; others again burdened with heavy dues, and finally those enclosed by the lord for his own purposes. The Statute of Merton [2] (1235) recognized the lord's right to occupy waste land provided he left sufficient pasture for his free tenants. This act suffered from two serious defects. It was too vague, opening the door to endless controversy as to what should be deemed sufficient for the tenants, a point on which the interested parties were scarcely likely to come to agreement. Again the restrictions imposed upon the lord, however unsatisfactory, only concerned the free tenants and did not protect the general body of the villagers. As to the earlier practice before 1235, it is difficult to speak with certainty. It is sometimes thought that the Statute of Merton was a modification of existing common law in the interests of the freeholders, and that hitherto the lord had exercised an arbitrary right of *approvement* unchecked. But it appears more likely [3] that in earlier times the lord was not allowed to enclose any of the common waste without the assent of the free tenants.

Besides his right of pasture over the waste, the villager could stock his cattle on the fields of corn-land and hay *Common of shack.*

[1] "Survey of the Honour of Denbigh", in *Records of the Social and Economic History of England and Wales*, i. p. xli.

[2] *Statutes*, i. 2.

[3] Cf. Vinogradoff, *Villainage*, 274.

during the period of the year when the fences were removed and the land lay open. Between harvest and seed-time arable and meadow alike were united with the waste, and the proprietary rights of the individual owners were limited by the communal right of all the villagers to use the land as common pasture, a right technically known as common of shack[1]. We have already seen how the treatment of the open fields as in a certain sense communal property was a characteristic feature of mediaeval husbandry, and in striking contrast to modern conceptions of ownership. The employment of the arable for purposes of pasture was in fact advantageous in many ways. The care of supervision was diminished when cattle were kept within the immediate vicinity of the village, and there was also less danger of sudden raids on the part of hostile neighbours or men from across the border or from over the sea. Again, where land was tilled and oxen employed day by day, the remoter pastures could be of little service. It is clear also that the manure of the cattle was no less indispensable to the soil than the stubble of corn and hay left lying in the fields was necessary for the cattle[2]. This consideration entered largely into the relations between the lord of the manor and the villagers on his estate. The Anglo-Saxon freeman was not only "mote-worthy, and fyrd-worthy", but also "fald-worthy"[3]; he was a suitor in the national courts, a fighter in the national host and a sharer in the national economy. He could send his cattle either to his own fold or to that of the village. The denial of this right was attended by social consequences; it became a mark of degradation and of inferior status. The tenure of 'fold-soke' by which a tenant was bound to do suit at his lord's fold appears frequently in the Domesday of East Anglia[4], though, on the other hand, fold service on the part of freemen is not unknown in later centuries. Thus the abbot of Kingeswood was bound to find a fold of over two hundred sheep

[1] Williams, *Rights of Common*, 68.
[2] Cf. Vinogradoff, *Growth of the Manor*, 180-181.
[3] *Cartularium monasterii de Rameseia*, i. 219; charter of 1053.
[4] *Vict. County Hist. Norfolk*, ii. 31.

upon the land of the lord of Berkeley from May to November [1].

Another right of common (estover) was over woods and forests [2]. The woods in mediaeval England covered much ground and were of great economic importance. Timber was needed in many directions—for fuel [3], woodwork of the ploughs and carts, building and repairing of houses, construction of hedges. Fencing was an important operation in mediaeval husbandry, and involved an immense amount of time and labour. Enclosures were made, not with 'live' hedges or with ditches, but year by year were renewed at the sowing of the seed. There are frequent references in Domesday Book to the demand for wood for this purpose—"*silva ad sepes reficiendas*" [4]. Woods were also valuable for the cattle and swine which could feed there on acorns and beech-mast. Their number may be gauged from an entry in Domesday Book, which records the existence of nearly four thousand swine in one hundred alone, that of Barstable in Essex [5], the flesh of swine being the staple article of food in the Middle Ages. *Right of estover.*

In bringing to a close this account of rural life in the thirteenth century, two concluding observations must be made. In the first place, attention should be drawn to the fact that there were two main types of village settlements. The typical village [6] of the Middle Ages was the 'nucleated' *Conclusion.*

[1] J. Smyth, *Lives of the Berkeleys* (ed. Sir J. Maclean, 1883), i. 193 (*c.* 1300). The charter of Wycombe (Bucks) even reserves the lord's right to all the manure found in the streets of the borough (1237): *Charters and Grants relating to the Borough of Chepping Wycombe*, 1817, p. 9.

[2] Williams, *Rights of Common*, 18, 186.

[3] The right of turbary was to cut peat and turf for firing: *ibid.* 187.

[4] Nasse, *Agricultural Community*, 19.

[5] Ballard, *Domesday Inquest*, 167.

[6] Seebohm has made familiar the Midland (or Mercian) type of village where the two field or three field system prevailed, and where the tenement comprised a bundle of scattered strips held in 'real' or lasting ownership. But there are other types due possibly to the "blending of different racial traditions". Four types are distinguished:

(i.) The *Anglian* type (in Norfolk and part of Suffolk) has two characteristics: (*a*) the one field system, *i.e.* annual crops; (*b*) the intermixed strips are free from rights of common on the part of other villagers, and remain in the separate occupation of their owners all the year round.

(ii.) The *Celtic* type (in the west of England and in Wales and Scotland) is known as the *run-rig*, its characteristic being the periodical redivision

village—with open fields stretching away on every side, and farm-houses grouped together in a single street round the manor-house and the church. But in the west of England we also find another type of settlement, the Celtic hamlet, with scattered homesteads covering the country-side; here the enclosure of the common fields proceeded more rapidly and at a much earlier period than in other parts of the kingdom. In the second place, a warning needs, perhaps, to be uttered against the undue stress that is apt to be laid upon the economic self-sufficiency of the mediaeval manor. Ministerial accounts showing frequent and extensive sales of surplus produce in markets, and manorial extents disclosing the large amounts of money often derived by the lord from his estate,[1] conflict with the generalizations commonly made as to the isolation and self-sufficing character of the Old English village.

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of the arable. Instead of the permanent allotment of the strips, we find shifting severalty. Further, the arable fields are apparently not used as common pasture after harvest or during a fallow year.

(iii.) The *Mercian* type (in the Midlands) appears as the blending of the Anglian and Celtic types. Hence there is permanent ownership of the strips as in (i.), while the three field system is attributed to the influence of (ii.) where after two crops the land reverted to pasture.

(iv.) The *Wessex* type: here the Celtic tradition is stronger. See G. Slater, "The Inclosure of Common Fields Considered Geographically", in the *Geographical Journal*, xxix. 45-52.

[1] Neilson, *Customary Rents*, 65; *Vict. County Hist. Lincolnshire*, ii. 296; Smyth, *Lives of the Berkeleys*, i. 167; H. L. Gray, "The Commutation of Villein Services", in *English Hist. Review*, xxix. 626. Cf. also the low rates of carriage, an indication of intercourse and trade. The markets of London were supplied by Stratford: *Rot. Parl.* i. 308 *b*.

CHAPTER III

THE BREAK-UP OF THE MANOR

Forces undermining the manorial system.

THE break-up of the manor was one of the most important movements in the social and economic history of the later Middle Ages. It transformed the character of rural society and revolutionized the structure of agricultural labour. It covered the passage from a condition of natural husbandry, where services were rendered in kind, to a condition where money supplied the basis of all economic relationships. The essence of the manorial system was comprised, as we have already seen, in the intimate connexion established between the lord's demesne and the community of unfree tenants; and the fundamental purpose of serfdom was to provide labour for the cultivation of the home farm. Accordingly the forces which undermined the fabric of manorialism were twofold: commutation of services and the alienation of the demesne. In the one case the lord found it to his advantage, or was compelled, to release his tenants from their customary obligations and exact money wherewith to hire free labourers to work his estate. The acceptance of rent in lieu of services dissolved the links between the servile tenants and the home farm, and commutation was thus the most powerful agency and conspicuous factor in the process of manorial disintegration. In the other case the lord initiated an entirely new departure. He gave up completely the system of direct exploitation of the land, and yielded the management of his demesne into other hands; he ceased to be a farmer and developed into a landlord, who leased his estate to tenants and lived on the income accruing from their rents. In both cases alike,

whether he employed hired labour or abandoned farming altogether, the lord had no further need for compulsory labour; the villeins were allowed to buy out their services, and legal agreements on the basis of wage-contract and a cash nexus were substituted for the natural economy of mediaeval farm management. Every social system would appear to contain within itself the seeds of its own decay, and the tendencies endangering the preservation of the manorial order were already at work in the thirteenth century, though they were enormously accelerated in the century which followed.

1. Commutation of services.

The commutation of servile labour for money rents began at an early date[1], and a variety of motives combined to bring about the substitution of payments in money for services in kind. As the king preferred to employ mercenaries instead of feudal levies, which were difficult to manipulate, so the lord tended to prefer hired labour to services which were often grudgingly given and reluctantly performed. "Customary servants", observes Walter of Henley[2], "neglect their work and it is necessary to guard against their fraud". (1) The payment of money enabled the lord to determine more freely his methods of estate management, while the system of forced labour was attended by many drawbacks. It was clumsy, inefficient, and an insurmountable obstacle to agricultural progress. (2) At the same time, the commutation of services enabled the lord to dispense with a crowd of officials, and to reduce the charges of his demesne. (3) On his part, the tenant had everything to gain by emancipation from the daily routine of the home farm. His time became his own to devote to the supervision of his own holding, and he was also freed from personal subjection to the officials of the manor, and from the pressure of numerous and exacting disabilities. In the long run the peasantry alone profited

[1] There is an example of commutation at Harmondsworth before 1110: *Vict. County Hist. Middlesex*, ii. 73.

[2] *Husbandry*, 11. Thus at Erchfont (1307) one tenant was fined for bad harrowing, another for bad ploughing, a third for withdrawing his suit from the mill, and a fourth for not coming to mow the meadow: *Pembroke Surveys*, i. p. xci (*n.* 2).

by the change from services in kind to services in money. The commuted payments when permanent were fixed once and for all. Accordingly, when the purchasing power of money diminished in the sixteenth century, the income of the landlord fell, while the copyhold tenants were protected from a rise in rents corresponding to the new scale of values[1]. It was difficult for the lords to reverse the old bargains, or revise the customary assessments on what would appear to them a more equitable basis. Hence the transition from a natural to a money economy did not, as it is sometimes supposed, straightway introduce an era of competitive prices, and rents often remained stationary for centuries.

The nature of commutation.

There were varying degrees of commutation, nor was it necessary that all the obligations demanded from a tenant in villeinage should be commuted at a single stroke. The tenant would endeavour to shake off the more oppressive services, while the lord would be inclined to release those dues with which he could most readily dispense. Rents in kind were generally commuted at the rate of twopence for every capon and one penny for fifteen eggs[2]. Sometimes carriage duty was commuted, at another time week-work with its unwieldy ploughings and reapings, and finally boon-work performed at harvest-time. Boon-work ceased to be profitable when the charges of food and drink at the lord's expense exceeded the value of the services rendered. On the manor of Bernehorne in Sussex[3] every villein was required to harrow for two days, receiving three meals a day; the value of the food was fivepence, the work was worth fourpence, 'and so the lord loses a penny'. But as a rule, though not invariably[4], the boon-services were commuted last of all. Week-work was done at fixed times in the year, but the *precariae* were exacted at the lord's will, and were therefore more adaptable to the changing conditions of the seasons; moreover, harvest work was less

[1] *Infra*, p. 148.

[2] *Vict. County Hist. Essex*, ii. 317.

[3] *Custumals of Battle Abbey*, 20. Similarly at Hutton in Essex (*English Hist. Review*, xxvi. 334, *n.* 12) the *precariae* were commuted because "valet cibus plus quam profectus operis: ideo nihil inde exigitur". Cf. also *Vict. County Hist. Middlesex*, ii. 74-75.

[4] *E.g.* Hutton (see *n.* 3).

easily hired than ordinary rural labour. Not only were there different degrees of commutation, but commutation was often merely a temporary expedient favoured by the circumstances of the moment, and not intended as a permanent arrangement. Sometimes commutation did remain durable; at Greetham in Rutlandshire there were twenty-four virgates held in villeinage for each of which the tenant paid twenty shillings, and it is expressly stated that no labour services were due[1]. A class of molmen[2] came into existence, tenants who held their land on villein tenure and retained the distinctive traits of villein status—for example, the liability to merchet fines—but who paid rent instead of labour service. It was, however, to the lord's interest to retain freedom of action, and one year accept money and another revert to labour rents. It is erroneous then to speak of a general movement towards commutation before the Black Death. There was no uniformity in the process; it was possible for a manor to waver between the two systems of payments in kind and payments in money, employing each alternately. The failure to take into account this important fact has been the source of misleading notions. An example of the irregular sale of 'works' is furnished by the manor of Wistowe, where the lord 'sold' nearly six hundred works in 1311, and less than three hundred five years later[3]. The system of commutation was devised, in fact, not in order to improve the condition of the villein, but in the interests of the lord. Indeed, when employed merely as a temporary device it was often detrimental to the tenant; not only did he remain as before liable to compulsory labour, but he could now be called upon arbitrarily to provide money instead of service whenever it suited the lord's convenience. In 1278 the reeve of a manor belonging to Ramsey Abbey[4] was charged with "taking bribes from the richer tenants as a

[1] *Vict. County Hist. Rutland*, i. 215.

[2] Vinogradoff, "Molmen", in *English Hist. Review*, i. 734-737.

[3] Neilson, *Ramsey Manors*, 72. At Teddington (*Vict. County Hist. Middlesex*, ii. 78) 98 works were sold in 1325; and 70 in 1326 and only 1½ the year after the Black Death. At Bray (*Vict. County Hist. Berkshire*, ii. 181) the *opera vendita* brought in one year £3 : 15 : 1, and another year £3 : 5 : 9 (*temp.* Edw. II.).

[4] *Select Pleas in Manorial Courts*, i. 95.

consideration for not turning them into tenants at money rents, and with obliging the poorer tenants to become payers of money rent". This seems to bear out the conjecture that in the earlier period the process of commutation was often disliked rather than welcomed by the tenants.

The growth of a labour class.

The money derived from commutation enabled the lords to hire free labourers. The nucleus for a labour class was provided by the cottagers whose resources were too scanty to furnish the means of subsistence, and whose leisure afforded them an opportunity to assist their more opulent neighbours. They were joined by other elements, and the class of rural wage-earners rapidly grew in numbers during the fourteenth century. Among those who entered their ranks were villeins, who had thrown up their holdings and withdrawn from the manor. While technically tied to the soil, the villein was able in normal circumstances to escape from his servitude without serious difficulty, although he was sometimes required to pay substantial fines[1]. The population of the manor was ordinarily sufficient to meet the demands of the lord, and no insuperable obstacle impeded the path of those whom a restless longing impelled to wander from their homes and fields. Hence in the occasional flight (2) of serfs from the manor is to be found one source for the development of a class of hired labourers during the thirteenth century. A second source consisted of villeins who (3) had secured enfranchisement from bondage by manumission[2]. A grant of manumission was acquired either by purchase or as a gift from the lord. At the end of the twelfth century, for example, a villein at Staunton was manumitted to enable him to go on a crusade[3]. Glanville insists that a villein cannot purchase freedom with his own money, since all his chattels are in his lord's power and could be taken without the asking[4]. The transaction was therefore carried out through an intermediary, who acted on the villein's behalf

[1] *Supra*, p. 39 (*n.* 2.)

[2] *The Mirror of Justices*, 78, enumerates the modes of enfranchisement.

[3] Stenton, "Early Manumissions at Staunton", in *English Hist. Review*, xxvi. 95.

[4] Glanville, v. c. 5. For a case where the agent proved dishonest, see *Select Cases in Chancery* (Seld. Soc. Pub.), 154.

as his agent. A third source comprised villeins who had obtained emancipation from servitude by prescription[1]. The younger sons and brothers of villeins, whose services the lord was unable to utilize on the estate from want of land with which to endow them, would be allowed to reside away from the manor. Their connexion with it would grow more and more faint, and their descendants would be gradually absorbed into the ranks of the free labourers. But while we can thus form some notion of the materials from which a wage-earning class was constituted, we have no means of determining its extent by the middle of the fourteenth century.

The older theory.

The Black Death is commonly regarded as a turning-point in social development, a watershed dividing English economic history into two periods. It is at any rate a convenient point at which to register the degree of economic progress, and to determine the extent to which free labour had displaced servile labour in the cultivation of the manorial demesne. The theory which won its way into common acceptance among the older historians is that by the time of the great pestilence commutation was no longer the exception, but had become the general rule. It has even been said[2] that in 1381 "no memory went back to the more ancient custom", when tenants in villeinage paid rent in service. But as a result of the scarcity of labour occasioned by the Black Death wages rose 50 per cent. The landlords therefore found that the money rents of their tenants were no longer sufficient to hire the necessary quantity of labour, and accordingly attempted to revive the old manorial arrangements in their stead. They "tried to reverse the old bargains which they had made with their serfs for the commutation of labour rents"[3]. Their attempt to compel the customary tenants by coercion to work once more on their demesnes is represented as the real cause of the insurrection of 1381. In spite of reactionary legislation, however, the protest of the villeins succeeded. "The

[1] T. W. Page, *The End of Villainage in England* (1900), 41-42.
[2] J. E. T. Rogers, *Economic Interpretation of History* (1888), 29.
[3] Rogers, *Agriculture and Prices*, iv. 116.

demands of the villeins were silently and effectually accorded . . . the dread of another servile war promoted the liberty of the serf" [1]. The landlords had been taught a lesson, and were henceforth afraid to insist upon the exaction of labour dues, and villeinage died out as a result of the insurrection. These views appear untenable. The progress of the movement towards commutation and the causes and consequences of the Peasants' Revolt have alike been misconceived.

Commutation before the Black Death.

The manorial system was essentially adapted to an age of natural husbandry. Where money was seldom used save for purposes of foreign trade and exceptional emergencies, obligations were naturally discharged in other ways than through the medium of currency. The king raised an army, not by hiring mercenaries, but by the grant of land on the condition of military service. The lord cultivated his estate, not by hiring agricultural labourers, but by allotting tenements on the condition of predial service. This system could only break down when the supply of money became sufficiently great, and its circulation sufficiently rapid, to familiarize men with its efficiency as an economic instrument. Now the transition from a natural to a money economy was certainly accomplished earlier in England than in many other European countries. But the progress made by a money system can easily be exaggerated, and we have no real ground for assuming that by the middle of Edward III.'s reign a money economy had replaced natural husbandry to the extent which the complete commutation of personal services would necessarily presuppose. Accordingly, the scarcity of money would seem to have blocked the path along which England was slowly moving from a system of labour dues to money rents. On general grounds, then, we are led to question the progress of commutation [2], but fortunately we have abundant evidence that at the time of the Black Death the system of predial services was still in full operation. The manorial records of the fourteenth century show that in the year of the pestilence commutation

[1] Rogers, *Agriculture and Prices*, i. 8 and 81.
[2] Cf. Page, *End of Villainage*, 42 *seq.*

had not yet become general, and that free labour had made no marked progress in displacing servile labour. Dr. Page's analysis of the ministerial records of eighty-one manors spread over twenty counties has brought to light the following striking results [1]:—

TABLE A (1350)

i. On 6 manors predial services were entirely abolished.
ii. On 9 manors villeins performed an insignificant part of the labour.
iii. On 22 manors villeins performed about half the labour.
iv. On 44 manors villeins performed practically all the labour.

These figures, after allowing for their incompleteness, refute the supposition that labour services were exceptional or entirely unknown in the middle of the fourteenth century.

Valuation of services in money.

The error as to the disappearance of villeinage probably arose from the fact that, even as early as the thirteenth century, the services exacted from villeins were assessed on the account rolls of the manor in terms of money. The

[1] Page, *End of Villainage*, 45-46. An article in the *English Hist. Review* (vol. xxix. Oct. 1914) by Mr. H. L. Gray holds that Thorold Rogers was "correct in maintaining that the commutation of services had before the Black Death proceeded far". Dr. Page's tables were based upon bailiffs' accounts. He compared the *opera vendita* (works sold) with the *opera* actually performed by the tenants, and where the latter predominated he inferred that commutation was not far advanced. Mr. Gray's tables are based upon the inquisitions post-mortem for the years 1333–1342. He compares the value of the works (whether performed or temporarily sold) with the rents of assize, *i.e.* the fixed money rents paid by the tenants, and where the latter are much greater he assumes that commutation was far advanced. Accordingly he finds (1) that full services were performed on only one-sixth of the manors which he has examined—309 lay manors and 160 ecclesiastical manors; (2) that services were no longer rendered north and west of a line drawn from Boston to the mouth of the Severn; (3) and that south and east of this line services were still rendered on half the manors.

If we accept Mr. Gray's premises his conclusions might carry conviction, but his assumptions are debatable. The problem turns largely on what constitute the *redditus assisae*. If in the main they do actually represent relaxed predial services, then they would certainly furnish a fair basis for comparison between (*a*) works still performed on the lord's demesne, and (*b*) works permanently commuted. But when we take into account the freeholders' rents, the rents of pastures, essart land, and the like, it becomes questionable whether the fixed money rents can be regarded as a satisfactory basis. Cf. also the *Battle Custumals* (pp. 60-63, 79), where the rents of virgaters and cottagers are fixed in money, a circumstance which might very well suggest commutation. Yet a little later we read that if day-work were required (*si praedicti operari debent*) then their rents are to be reduced or remitted—showing that labour services still continued as their primary obligation.

practice was adopted from motives of convenience; it laid the basis for commutation, but it did not imply that the tenant invariably paid a money-equivalent in place of personal service[1]. On the manor of Wilburton in Cambridgeshire all the 'works' (*opera*) exacted from the tenants were valued in money; every winter or summer work was worth a halfpenny, and every autumn work a penny[2]. This was in the thirteenth century, but the permanent commutation of predial services did not take place until two centuries later. The advantages of a system of reckoning in which a money value was attached to every service were twofold: it established a scale of penalties in cases of default, and it enabled the lord to take money instead of labour dues whenever it served his purpose. Each year the lord sold a number of works at customary rates, offering the tenant whose services were not at the moment required the option, which may have been voluntary or compulsory, of paying money as a substitute. The extent of commutation, however, varied from year to year; at Wilburton 183 winter and summer works and 93 autumn works were sold in 1393, while four years later only 8 works were commuted. This manor was not exceptional, and on other estates also the exaction of week-work and boon-work was protracted beyond the Black Death and the Peasants' Revolt. On the manor of Wistowe in 1368 only 456 works were sold, and no less than 2274 works were performed[3]. At Harmondsworth in Middlesex the services rendered in the reign of Richard II. were those enumerated in the twelfth-century custumal[4].

Commutation after the Black Death.

The Black Death proved to be an economic catastrophe of supreme importance. How great an impetus it gave to the process of commutation may be gauged from the condition of 126 manors within a generation following the pestilence[5]:—

[1] For an example of works estimated in terms of money, see *Records of Cardiff*, ed. J. H. Mathews (1898), i. 279.

[2] F. W. Maitland, "History of a Cambridgeshire Manor", in *English Hist. Review*, ix. 420 *seq.*

[3] Neilson, *Ramsey Manors*, 73.

[4] *Vict. County Hist. Middlesex*, ii. 74.

[5] Page, *End of Villainage*, 60-64.

TABLE B (1380)

i. On 40 manors predial services were entirely abolished.
ii. On 39 manors villeins performed an insignificant part of the labour.
iii. On 25 manors villeins performed about half the labour.
iv. On 22 manors villeins performed practically all the labour.

A comparison of Tables A and B shows that in 1350 the villeins performed practically the whole work on 54 per cent. of the manors with which these tables are concerned, and in 1380 on 17 per cent. Again in 1350 they had commuted all or nearly all their services on 18 per cent. of the manors, and in 1380 on 62 per cent. It is clear then that the Black Death accelerated the dissolution of the customary system.

Estimate of the Black Death.

We have been warned against the temptation to raise the great plague to the dignity of a constant economic force[1]. On the one hand, it did not set in motion the tendencies towards commutation; on the other hand, the progress of the movement was most rapid at the end of the fourteenth and during the fifteenth century[2]. The immediate effects of the pestilence were indisputably violent and catastrophic, but the real problem is to determine how far the changes which it produced were temporary and how far permanent. There is evidence that on some manors at least a reaction took place, and the pendulum gradually swung back again[3]. Indeed the very statistics which we have cited above may easily convey a wrong impression. They are apt to suggest that after the Black Death there was a steady and ordered movement towards the general commutation of labour services. It is worth while therefore to turn to the rolls of one or two manors, and see how far this impression is justified by the study of their records. At Hutton, a manor in Essex, the *precariae* numbered 115, and the *opera minuta* or ordinary villein services numbered 738. The table of

[1] Vinogradoff in *English Hist. Review*, xv. 779. [2] *Infra*, p. 95.
[3] See Tables C and D, *infra*, p. 87. The ministerial accounts for Wellow (*Vict. County Hist. Somerset*, ii. 291) show the rapid recovery of the manor. The receipts for the years 1346–1347, 1349–1350 and 1350–1351 were respectively (omitting shillings and pence) £54, £38 and £56.

commutation for nine different years before and after the pestilence is as follows[1]:—

TABLE C

	1341–2.	1353–4.	1354–5.	1358–9.	1362–3.	1365–6.	1367–8.	1388–9.	1389–90.
Precariae .	all	101	101	102	98	91	100	101	101
Opera Minuta	2½	181	285½	77	none	82	147	160	none

This table bears out the conclusion that the effects of the plague, while severe, were often only temporary. In 1354 considerably more than one-third of the week-work was commuted; and a few years later none at all. The manor of Wistowe shows the same tendencies at work[2]:—

TABLE D

In 1324 the number of works sold was 537
„ 1351 „ „ „ „ 424½
„ 1368 „ „ „ „ 456
„ 1380 „ „ „ „ 189½

Again on the manor of Woolstone in Berkshire[3], the sale of works, which at one time brought in £13 : 6 : 8, produced in 1370 only £8 : 4s. But while these facts must be taken into consideration, the remarkable increase of free labour within thirty years after the pestilence indicates how enormous was the influence which it exercised upon the economic situation. The Black Death constituted a landmark in the historical evolution of the English peasantry from servitude to freedom. It gave a violent shock to the ancient manorial arrangements and weakened irreparably the stability of the rural framework of mediaeval society.

Growth of a money economy.

However difficult it may be to measure the exact significance of the Black Death, it is certain that the hundred years which followed witnessed the complete disintegration of the old manorial order. The influences which had hitherto militated against the disappearance of villeinage, and had worked to preserve intact the system of unfree tenures,

[1] Feiling, "An Essex Manor", in *English Hist. Review*, xxvi. 334.
[2] Neilson, *Ramsey Manors*, 72. [3] *Vict. County Hist. Berkshire*, ii. 187.

ceased to operate. The labour conditions of the country were transformed by the permeation of social forces, which called into existence a new agrarian organization and established a new set of economic relations. The drift of the movement was in fact nothing less than the substitution of a society, organized on the basis of free contractual relations, for a society based upon tenure and status; a society in which the customary relations between lord and tenant were superseded by a uniform legal bond and cash nexus. The plague, which lasted for fourteen months, from August 1348 to the autumn of 1349[1], is believed to have swept away one-half of the entire population[2]. The figures of the chroniclers are to be accepted with caution[3], but the diocesan institution books and the court rolls of manors[4] afford irrefragable testimony that the mortality was overwhelming, and the effects were bound therefore to be far-reaching. To begin with, it is natural to suppose[5] that the money per head of the population was as good as doubled, if the population were halved while the currency remained unaffected. This would facilitate the growth of commutation by affording the villeins the means of turning their services into money payments. The objection has been raised[6] that the financial panic succeeding to so great a catastrophe would counteract the increase of the available capital, but the financial panic would only be temporary, and there are other indications which also seem to point to a more abundant currency. The plunder of the French wars brought money into the country, the woollen industry was rapidly expanding, and a class of moneyed men was arising in London and the large towns. If the assumption is tenable that a money economy was becoming more prevalent, it would help to explain the readiness with which

[1] C. Creighton, *History of Epidemics in Britain* (1891), i. 177.

[2] F. A. Gasquet, *The Black Death* (1908), 225. The number of wills enrolled in London in 1348 and 1349 is far in excess of other years: R. R. Sharpe, *Calendar of Wills* (1889), i. p. xxvii.

[3] *E.g.* Knighton, a contemporary Leicester chronicler, exaggerates the figures for Leicester: *Records of the Borough of Leicester*, ed. M. Bateson (1899), ii. p. lxiv.

[4] A. Jessop, "The Black Death in East Anglia", in *The Coming of the Friars* (1889), 206; Gasquet, *op. cit. passim.*

[5] Page, *End of Villainage*, 44, 57. [6] *English Hist. Review*, xv. 779.

the villagers seized the opportunities afforded by the anarchy that followed the Black Death to buy out their labour dues. The relative increase in the quantity of money removed the obstacle which had hitherto served to check the emancipation of the English peasantry.

Position of the villeins.

While the villeins to all appearance now possessed the means of commuting their services if they were so inclined, there were stronger motives than ever to induce them to do so. Hitherto their position, when contrasted with that of the wage-earning class of rural labourers, had been in many respects enviable. They owned as a rule a substantial holding of twenty to thirty acres together with the valuable appurtenances of meadow and waste, their tenure was fixed in practice if not in theory, their services were determined by custom and in actual fact were not perhaps unduly onerous. But immediately after the Black Death there was an unprecedented rise in wages; reapers, for example, whose statutory rate was two or three pence per day, now often received fivepence or sixpence[1]. "The labourers worked less", says the Reading Chronicler[2], "and their work was worse done". The prosperity of the hired labourer stirred the rivalry of the villeins, who now longed to win their freedom and to share in the golden opportunities enjoyed by the emancipated workers. They began to find the manorial yoke and the compulsion to forced labour increasingly irksome. The new appreciation of the value of labour suddenly laid bare the economic and social degradation of servitude. Thus on the manor of Forncett in Norfolk land was let in the year 1378 at an average money rent of tenpence an acre, while the labour dues exacted from some of the serfs appear to have worked out at three and ninepence the acre[3]. Moreover, the Black Death affected the servile tenants in a way which merits the closest attention. The amount of labour service exacted from the tenant

[1] B. H. Putnam, *The Enforcement of the Statutes of Labourers* (1908), 90. In Rutlandshire (*Vict. County Hist.* i. 219) haymakers were not allowed to receive more than 1d. a day, mowers 5d., and reapers 2d. or 3d. But they succeeded in obtaining more; *e.g.* reapers were paid 4d. in 1350.

[2] *Chronica Johannis de Reading*, ed. J. Tait (1914), 113.

[3] F. G. Davenport, "The Decay of Villeinage in East Anglia", in *Trans. Royal Hist. Soc.* N.S. xiv. 130-131.

in villeinage appears at first sight extremely heavy, and to leave little leisure for the care of his own scattered strips. But in reality, as we have already seen [1], a virgate generally maintained a household, not of one, but of several members, —and sometimes even more than one household—who co-operated together in discharging the obligations incumbent upon the holding. Indeed the fact that tenants were required at harvest-time to furnish additional labour indicates that there were men in every household, whose services were normally at their own disposal. The lord claimed the services of one man for one virgate, and the burden of these services was shared among the members of the household. But when the Black Death carried off half the nation the surviving tenants found their work actually doubled, not from any increased pressure on the part of the lord, but because the burden now fell entirely upon their own shoulders. An intolerable situation was thus created, the product of forces for which neither the lord nor the tenants were really responsible. As a natural corollary the villeins left no stone unturned to obtain relief from their position, and ultimately they broke out into open rebellion in 1381.

The new situation.

The emancipation of the villein was not achieved without a struggle. The very circumstances which now gave to economic freedom a new meaning enhanced in the eyes of the lords the value of the old servitude. They found that the increased cost of agricultural labour rendered the commutation of services no longer a profitable expedient. Thus at Aston [2] in Oxfordshire a tenant was forced to pay the large sum of twelve shillings as the price of commuting a rent of five shillings and customary services valued at three shillings and ninepence. The reluctance with which the landlords now accepted money payments in lieu of labour rents is shown by the provision inserted in the new leases, expressly safeguarding the rights of the lord, and fixing the duration of the tenancy at the lord's will or until a fresh tenant would agree to the old accustomed

[1] *Supra*, p. 13. Cf. *English Hist. Review*, xv. 778-779.
[2] *Vict. County Hist. Oxfordshire*, ii. 179.

services (*servicia prius inde debita et consueta*) [1]. The manorial rolls of a Cambridgeshire manor [2] tell how a tenant was admitted in 1396 to a holding at a rent of twelve shillings to hold to him and his *sequela* (posterity), until some one should come to take it at the accustomed services, and in case such a one appeared the tenant was to have the option of continuing to hold at the old services, and should he reject this option he was to receive from the incoming tenant the costs that he had laid out upon the tenement. Even as late as 1417 a tenant received a holding on a Middlesex manor [3] for five years at a money rent on the understanding that the lease should terminate, if a newcomer would take it "according to the custom of the manor for rent and services". But at the moment the lords were powerless to resist forces that brooked no opposition. The villeins, owing to their depleted numbers, held a weapon in their hands which rendered their masters impotent; this was the threat of desertion. "If their masters challenge them and offer to pay them for their services according to the form of the said statutes, they fly and run suddenly away out of their own country from county to county, from hundred to hundred, and from village to village, in strange places unknown to their masters" [4]. This description (1376) was no less true of serfs than of free labourers. In earlier times flight from the manor, though not altogether unknown, was rare. The law which annexed the serf to the glebe was enforced primarily because the economic conditions of the period served to retard any general fluidity of labour. These economic conditions had been twofold. In the first place, the position of the villein, whatever its drawbacks, was sufficiently equitable on the whole to induce him to abide on the manor, rather than abandon his holding and expose himself to all the risks of the unknown world beyond. In the second place, the world beyond offered scanty prospects to incline the peasant to throw away a substantial holding

[1] Eynsham Abbey was enjoined by Bishop Gray not to grant leases beyond five years: *Eynsham Cartulary*, ed. H. E. Salter (1908), ii. 190. Cf. Page, *End of Villainage*, 67, 76.

[2] *English Hist. Review*, ix. 427.

[3] *Vict. County Hist. Middlesex*, ii. 74.

[4] *Rot. Parl.* ii. 340 *a*.

for acres in Utopia. But after the Black Death both conditions were now reversed. The tenant in villeinage was no longer contented with his lot, for the burden of his responsibilities remained unchanged, although his household was sadly diminished in numbers. This alone, however, would not have sufficed to drive the villein from his heritage, and the determining factor in the situation was the new inducements which urged him to relinquish his holding and seek his fortunes farther afield. Confronted with ruin, their land bare of inhabitants, their harvests rotting on the ground [1], the lords were driven to every device by which to attract settlers to their estates [2]. Sometimes not a single tenant survived on the manor, and on court rolls appeared the significant entry [3]: "No one is willing to buy or hire the land of the dead tenant". No less eloquent is the passage in the *Eynsham Cartulary* [4], which relates how in 1349 scarce two tenants remained in the manor of Woodeaton, and they would have withdrawn, had not the abbot "entered into fresh agreements with them". In this evil plight the lords were ready to accept as free tenants fugitives from neighbouring manors, in order to induce them to take up the holdings which were left upon their hands and repopulate the manor. The feverish rivalry of the lords for possession of the labourers left the latter masters of the situation, and placed them in a position to dictate their own terms and claim a monopoly value for their services. Moreover, the cloth trade was beginning to afford a fresh opening to restless spirits, discontented with their mode of life and craving for new opportunities of advancement. Herein lies the significance of the century from 1350 to 1450 as a stage in the process of manorial decay. The mediaeval organization of rural labour broke down completely when the villeins suddenly found at hand alternative and more profitable sources of livelihood, whether in trade and industry, or as

[1] *Chronicon Henrici Knighton*, ii. 62.

[2] At Forncett 250 acres of land reverted to the lord, and were let by him to new tenants: *Trans. Royal Hist. Soc.* N.S. xiv. 126.

[3] Gasquet, *The Black Death*, 116, 117. At Stepney (*Vict. County Hist. Middlesex*, ii. 78) no less than 105 tenements were vacated in 1349.

[4] *Eynsham Cartulary*, ii. 19.

free labourers. The old relations between capital and labour were for the moment transformed, and the customary system of land-holding was no longer able to hold its own in the face of new and more attractive prospects. At the same time, the period of anarchy impaired the authority of the lord, and enabled the serfs to defy with impunity the legal restrictions that bound them to the soil.

The flight of villeins.

The view that fugitive villeins were exceptional[1] is untenable, for we have abundant evidence to show how general was the practice of migration after the Black Death. We may take in illustration an East Anglian manor, Forncett in Norfolk[2]. Prior to 1349 there were but two instances, so far as the records go, of tenants who 'waived' their holdings, and in either case poverty was the compelling motive. But within the generation succeeding the pestilence, between sixty and seventy holdings had reverted to the lord on account of the death or flight of their occupants. Some became tenants on neighbouring manors, others joined the ranks of free labourers, others turned artisans. At Forncett the manorial system was undermined, not by commutation, but by the dispersion of the peasantry over the country-side. The mobility of the rural population is strikingly demonstrated in the rolls of an Essex manor, Hutton[3]. In 1281 the customary tenants numbered forty. A generation later (1312) twenty-five of the names enumerated in 1281 had disappeared, and eight new names are mentioned. In 1424 out of twenty-seven tenants only one name is reproduced of the tenants who were present on the manor in 1312; and in 1523 there were only three names identical with those of 1424. The inhabitants of this district evidently shifted from generation to generation, and if the example of Hutton is at all typical it must compel us to revise our notions of the immobility of rural society. The stability of mediaeval agrarian life, as we shall have occasion to see in tracing the dissolution of the open field system, was often more apparent than real. The conservatism and tenacity of manorial

[1] E. P. Cheyney in *English Hist. Review*, xv. 29.
[2] *Trans. Royal Hist. Soc.* N.S. xiv. 127.
[3] *English Hist. Review*, xxvi. 337.

arrangements were not incompatible with a degree of internal relaxation and change, to which sufficient recognition has hardly been accorded. The manor of Wilburton [1] affords another illustration of the difficulty with which the lords induced their tenants to remain on the manor. We are told how in 1364 a virgater who held a tenement of twenty-four acres surrendered his holding, which fell back into the lord's possession. A new tenant presently appeared and accepted the tenement, but the succeeding year he too had followed in the wake of his predecessor, and the holding was once more vacant. In 1371 another villager received a piece of land for which the lord had failed to find a tenant; he took it unwillingly (*invito capit*), and was therefore released from the payment of the admission fines. The occurrence of such passages in the manorial rolls brings vividly before our eyes the social disorder now prevailing. Everywhere the tenants were abandoning their holdings, confident that they controlled the labour market, and everywhere the lords, clinging desperately to the remnants of their authority, were making the utmost concession from dread of losing their tenants altogether. It is evident, then, that desertion *en masse* from the manor accelerated the end of villeinage in England. In default of tenants the lords were constrained to comply with the demands of the villeins, and accept payments in money for services in kind. Landlords, Knighton tells us [2], remitted the rents of their tenants for one, two, or even three years, that their tenants might not withdraw from their holdings; and predial services were relaxed for the same reason, "lest extreme and irreparable ruin overtake their houses and the land everywhere remain utterly untilled".

The progress of commutation.

The progress of commutation can be studied from the account and court rolls of a Cambridgeshire manor [3] (*temp.* Edward I. to Henry VII.). Their evidence falls into three well-defined periods: to 1350, to 1410, and from 1410 onwards. In the first period the customary services of the tenants are reckoned in terms of money, and though this

[1] *English Hist. Review*, ix. 423.
[2] *Chronicon*, ii. 65. [3] *English Hist. Review*, ix. 432, 434, 438.

facilitates the advance of commutation, very little is actually paid in money. The demesne continues to be cultivated by the tenants, but all the works are not always exacted, and the lord then obtains pecuniary compensation at fixed rates. In the second period, extending over two generations, there is still no permanent commutation of labour dues for money payments. Even after the Black Death the manorial accounts are kept upon the old basis of calculation, and it is assumed that there are due to the lord some 3000 winter and summer works and 800 autumn works. In 1397 only 8 works are sold, while no less than 800 works are actually performed in kind; the rest may apparently be accounted for by the fact that many tenements had escheated to the lord and were let at a money rent. Hence at the close of the fourteenth century predial services are still the rule upon this manor, and customary holdings are still burdened with labour dues. Under Henry V. a general commutation takes place, the tenant paying a shilling an acre, and forced labour is abolished once and for all. On other manors we can trace the occasional survival of customary services even beyond the reign of Henry V. At Harmondsworth in Middlesex [1] works were rendered in 1434, at Wistowe [2] in 1466, on some Dorsetshire manors [3] at the end of the fifteenth century, and at Souldrop in Bedfordshire [4] in 1530. At the time of the dissolution of the monasteries the tenants of Faversham, a monastic estate in Kent [5], worked in the fields, while under Elizabeth twelve copyholders on the manor of Pirbright in Surrey [6] were bound to work with their lord in mowing and reaping. As late as 1563, every tenant at Netherhampton was required "to plough three half acres for the lord's winter seed and to harrow them, and also to wash and shear the lord's sheep . . . and further each of them shall mow one

[1] *Vict. County Hist. Middlesex*, ii. 74. Even as late as 1492 two tenants paid for their services: *ibid.* ii. 75. For Shalford (1490), see *Vict. County Hist. Essex*, ii. 318.

[2] Neilson, *Ramsey Manors*, App. XII. For Leckwith (1456), see *Cardiff Records*, ii. 60.

[3] *Vict. County Hist. Dorsetshire*, ii. 240.

[4] *Vict. County Hist. Bedfordshire*, ii. 90.

[5] A. Savine, *English Monasteries on the Eve of the Dissolution* (1909), 160.

[6] O. Manning and W. Bray, *Antiquities of Surrey* (1804), i. 149.

acre of meadow . . . reap one acre of wheat and . . . one acre of barley" [1].

The spread of commutation involved the disintegration of the manorial system. When the payment of money superseded the exaction of personal service, the lord could no longer cultivate his demesne with compulsory labour. The first expedient adopted was to employ hired labourers with the money received from the tenants, but subsequently this ceased to be practicable. The high price of labour is usually attributed to the Black Death, but this overlooks the fact that wages had been rising for a generation before the plague swept over England. At the manor of Great Tew in Essex [2] the tenant paid a penny apiece for autumn works and a halfpenny for winter works, while the labourer who supplied his place received three halfpence; and during the reign of Edward II. wages rose 10 per cent [3]. Owing to this upward movement, due to earlier pestilences, the pecuniary compensation obtained by the landowners was already disproportionate to the true value of the services which were commuted. Hence the great pestilence only intensified but did not originate the economic crisis, for the altered equilibrium of the labour market had already begun to produce its effects. Admittedly, however, the Black Death accelerated enormously the course of events, and altogether wages rose 50 per cent. The landlords endeavoured to cope with the new situation [4] which had arisen by a recourse to legislation. The Ordinance of Labourers was issued in 1349, and was supplemented by the Statute of Labourers in 1351. The preamble of the Ordinance recited that "because a great part of the people, and especially of workmen and servants, lately died of the pestilence, many seeing the necessity

[1] *Pembroke Surveys*, i. 16. Services continued at Gymingham in Norfolk (*temp.* Eliz.): *Law Quarterly Review*, ix. 362.

[2] W. Denton, *England in the Fifteenth Century* (1888), 107 (*n.* 1).

[3] Rogers, *Agriculture and Prices*, i. 292.

[4] Denton (*op. cit.* 217, *n.* 3) holds that the Statute of Labourers "was not framed to meet any demand made by the labourers on account of the pestilence. The inconveniences could hardly have been felt so soon". But the Black Death began August 1348, and the Ordinance was issued in June 1349; an interval of nearly a year, which was quite sufficient. Compare also the preamble of the Ordinance, which makes it clear that the Black Death was responsible for the new legislation.

of masters and great scarcity of servants, will not serve unless they may receive excessive wages, and some rather willing to beg in idleness than by labour to get their living". Accordingly all able-bodied men and women, free and bond, without definite means of support, were to accept service at the old rates of payment and remain in their master's employment until their contract of service had expired [1]. The able-bodied were not to be given alms, and butchers, fishmongers and bakers were bidden to sell provisions at reasonable prices and content themselves with moderate gain [2]. These labour laws have been the subject of much conflicting interpretation, and we have to determine how far they were effective in keeping down wages, how far they were equitable, and in what ways they affected or modified the development of manorial institutions. Most writers [3] are agreed that the Statute of Labourers completely failed; even contemporaries [4] assert that "little good or none it did". The labourers, observes Knighton [5], were so wilful and elated at their good fortune, that they turned a deaf ear to the royal mandate and refused to work except upon their own terms. But it is far from certain that this view can be maintained. In the first place the government adopted definite measures to prevent the statute from becoming a dead letter. A new office was instituted and justices of labourers [6], afterwards merged into justices of the peace, were appointed by the Crown to regulate wages and prices throughout the country. Their zealous and active administration could scarcely have been altogether ineffective, and it is legitimate to suppose that without their efforts wages would have risen still higher. For a time, at any rate when the crisis was most acute, they must have served in some degree,

(a) *How far effective.*

[1] *Statutes*, i. 307. The Statute of 1351 (*ibid.* i. 311) was not a mere re-enactment of the earlier Ordinance, but fixed in detail the wages of labourers and artisans. Ch. Petit-Dutaillis, "Études additionnelles", in *Histoire constitutionnelle de l'Angleterre*, par W. Stubbs (1913), ii. 862 (*n.* 1), compares the French Ordinance (1351) issued against the rise of wages after the Black Death.

[2] Rymer, *Fœdera* (R. ed.), iii. part i. 198. The Ordinance in Rymer is wrongly dated 1350.

[3] *E.g.* G. M. Trevelyan, *England in the Age of Wycliffe* (1909), 188.

[4] *Chronica Johannis de Reading*, 113. [5] *Chronicon*, ii. 64.

[6] Putnam, *Statutes of Labourers*, part i. c. i. ss. 1 and 2.

as our evidence shows [1], to check the rise in wages. This would explain the hatred displayed towards the justices by the insurgents in the Peasants' Revolt. Ultimately wages are said to have risen 50 per cent.[2], for, as we have shown, the rivalry of the landlords foiled all attempts to keep wages down permanently to the old level. The Statute of Labourers failed in fact because two masters were running after one man.

(b) *How far equitable.*

The moral questions involved in this labour legislation are still more difficult to resolve. It has been contended [3] that the government was justified in its attempt to force labourers to accept the old rates, on the ground that the new rates showed such enormous increase. We must remember, however, that prices also were rising as a result of the plague, though the statement of the chronicler [4] that "what in former times was worth a penny now was worth four or five times as much", if credible, can only refer to the immediate effects of the pestilence. This rise in prices is commonly attributed [5] to Edward III.'s issue of new coinage, in which the weight of the currency was reduced from 22½ grains to 18, but two things should be considered. In the first place, this depreciation of the coinage must not be regarded as an issue of base money from motives of cupidity; it was due to the wear and tear of the coins in circulation. The government was not strong enough financially to restore the currency to its former standard of weight, and adopted the alternative policy of lowering the standard of the new coinage to the level of the old. It sought in this way to cause the mint price of bullion to correspond with its value in the circulating money, and so encourage owners of bullion to bring it to the mint [6]. Secondly, there appears no reason to

[1] In 1336 a ploughman at Teddington received 6s. a year; the year following the Black Death he got 11s. In 1352, as a result of the statute, his wages fell to 7s.: *Vict. County Hist. Middlesex*, ii. 80. There is similar evidence for Berkshire: *Vict. County Hist. Berkshire*, ii., tables on pp. 195-196. In *Letter Book G* (ed. R. R. Sharpe), 115-118, there is a list of fines imposed on labourers and artificers for infringing the statute regulating wages. Cf. also Putnam, *op. cit.* 221.

[2] Rogers, *Agriculture and Prices*, i. 292, 687.

[3] Putnam, *op. cit.* 219.

[4] *Chronicon Knighton*, ii. 65.

[5] Cunningham, *Growth of English Industry*, i. 335, 336 *n.*

[6] A. Hughes, C. G. Crump and C. Johnson, "The Debasement of the Coinage under Edward III.", in *Economic Journal*, vii. 187, 189; W. A. Shaw, *History of Currency* (1895), 46.

connect Edward's monetary changes with the rise in wages and prices. The issue of the new currency was made in June 1351 [1], whereas the Ordinance of Labourers was published in June 1349 [2], and the Statute of Labourers in February 1351 [3], that is, before the alteration was effected in the coinage. In any case, however, prices did not remain constant, and while the government certainly did order that prices should be 'reasonable', the term was elastic and would be variously interpreted. Again it was equally to the advantage of employers that prices should remain stationary. The act, moreover, fixed the maximum but not a minimum wage [4]. On the whole, then, the Statute of Labourers must be regarded as a one-sided piece of legislation, an unfair exercise of political power in the interests of a single class of the community. It is to be condemned because the government only sought to interfere with wages at the moment when the labourers were endeavouring to improve their economic and social position.

(c) *Their influence upon villeinage.*

The effect of the Statute of Labourers upon villeinage is also disputed. One writer holds that the labour legislation weakened the dependence of the bondman on the manorial court and helped to transform the legal relations between the lord and his servile tenants. "The legal category of free and bond dissolved itself", according to this view, "into the wider economic category of employer and employé" [5]. But it would seem that the power of the lord over his tenants was not materially impaired, for whenever need arose, he still retained the right to reclaim his villeins from the service of a stranger even before their contract of employment expired [6]. Hence there appears no ground for the opinion that the labour laws struck a very heavy blow at villeinage, or contributed in any marked degree to the disintegration of the manorial system.

Apart from all speculations as to their equity, their

[1] *Economic Journal*, vii. 196.

[2] *Close Rolls*, 1349–1354, p. 87.

[3] *Rot. Parl.* ii. 225.

[4] The labourers were to take the rates in vogue before the Black Death; this fixed the maximum at a time when prices were rising, while the lords were still free to depress wages if occasion served.

[5] A. Savine, in *Trans. Royal Hist. Soc.* N.S. xvii. 254-255, and *English Hist. Review*, xvii. 782.

[6] Putnam, *Statutes of Labourers*, 200-205.

(d) *Their importance.*

effectiveness and their influence upon the manor, interest attaches to the labour laws on other grounds. They represented the first serious effort on the part of the central government to regulate the labour conditions of the country as a whole, and the question arises how far the attempt embodied new principles. The intervention of the state in the economic life of the realm had ample precedent in the assizes of bread and ale which applied to the whole kingdom [1]. These assizes, it is true, were executed in local courts as a normal function of municipal activity, while justices of labourers were expressly instituted for the purpose of the new legislation. But even "the establishment of this separate set of crown-appointed officials" to administer the Ordinance and the Statute of Labourers had its precedent and parallel in the aulnagers, who had been appointed by the Crown half a century earlier as national officials to carry out the Assize of Cloth [2]. Again, the enforcement at law of statutory contracts constituted no new departure from recognized usage, for contracts had previously been enforced in local courts [3]. In two respects, however, the enactments of 1349 and 1351 apparently contained *innovations* [4]. In the first place, while the wages of artisans had been previously regulated by the municipal or gild authorities [5] even in the thirteenth century, the wages of agricultural labourers had hitherto been determined only by custom. Secondly, the provisions by which all labourers could be forced to accept work at legal rates, and might not fare abroad in quest of better conditions, restricted the fluidity of labour. For the first time they controlled the movements of the free labourers, who in contrast to the *villani adscripti glebae* had enjoyed in the past the right of free men to go whither they would.

11. *Alienation of the demesne.*

The first expedient devised by the landlords, the recourse to legal compulsion, thus proved in the long run a failure. Wages did not fall to their old level, and for the new rates

[1] *Infra*, p. 266.

[2] Miss Putnam in her admirable monograph (pp. 153, 160) appears to have overlooked the aulnagers (*infra*, p. 406), who served to establish a precedent for state-appointed officials.

[3] Putnam, *op. cit.* 157-160. Compare the ordinance at Northampton that servants who wilfully left their master shall be attached: *Records of Northampton* (1898), i. 222. [4] Putnam, *op. cit.* 156, 157. [5] *Infra*, p. 300.

of wages the copyhold rents paid by the customary tenants on their estates were no longer adequate. The important result followed that the lords were no longer able with profit to retain their arable demesne in their own hands, and began to lease it out to tenants. The system of leasehold tenements did not originate with the Black Death, but it received a great impetus as the result of forces which the pestilence set in motion. The historian of the Berkeley family has described how Thomas, lord of Berkeley, began to lease his land after the insurrection of 1381, a practice extended under his successor in the following century and imitated by "all other great lords of manors almost throughout the whole kingdom"[1]. The mediaeval organization of labour had, in fact, almost completely broken down, and with it the system by which the owner of the soil was also a farmer. The spread of commutation and the extraordinary rise in wages forced the lord of the manor to abandon the direct exploitation of his estate and to alienate the demesne, content henceforth to draw his income, not from the diminished profits of bailiff-farming, but from the rents of his tenants. At first the lord provided not only the land, but also the seed-corn and stock. This removed an obstacle which in the thirteenth century must frequently have debarred tenants from renting portions of the demesne, the difficulty of stocking the new land. But even the system of stock-and-land leases is older than the fourteenth century. An example may be found as early as 1279 where a manor was leased to the tenants: "and at the end of the seven years they shall render to us the aforesaid manor with the stock with which they received it. Also they shall give back the land well ploughed twice"[2]. This system of land-holding, known as the stock-and-land lease[3], subsequently developed into the modern system by which the lord furnishes only the land and the buildings, and the tenant the stock and capital. As a rule the demesne, instead of

[1] Smyth, *Lives of the Berkeleys*, ii. 5-6.

[2] *English Economic History, Select Documents* (ed. A. E. Bland, P. A. Brown, R. H. Tawney, 1914), 79. For an example of a dishonest farmer, see *Vict. County Hist. Berkshire*, ii. 193.

[3] Rogers, *Agriculture and Prices*, i. 24; iv. 1-2.

being cut up into separate tenements, preserved its unity and distinctive features, being frequently rented by a single tenant as one large farm. The monastery of Battle in Sussex owned twenty-two manors; in nineteen the demesne was let to one farmer, in another to two, and in a third to three[1]. The tenants of the demesne were, in fact, distinguished from the rest of the tenants in three ways. In the first place their holdings were usually much larger than other tenancies. Again they were held on a different tenure, leasehold for a term of years, and not freehold, copyhold, or tenure at-will. Lastly their rents were often paid in kind, corn and hay and poultry, and not in money[2]. The explanation appears to be that, while the lords were content to receive money payments from the rest of their tenants, they still clung to the thought that the demesne ought to furnish them with food for their household. Rents in kind thus continued, even in the sixteenth century, as a survival of the old manorial economy in which the cultivation of the demesne was carried on by bailiff-farming, and the estate was largely self-sufficing.

Tenant farmers.

In this way the lord solved the problem of cultivating the demesne by renting it to tenants, who were in a more favoured position for carrying on cultivation. With the assistance of their household they could provide a large amount of the labour, they were spared the cost of maintaining a staff of manorial officials, and seeking immediate returns on their outlay, they were able to reduce the expenses of farming. Thus land was henceforth held on a new tenure, no longer by labour dues, but by money rents for a term of years. Once the new conditions of land-holding had become general, there was no longer any need to demand personal services from the holders of land in villeinage—and commutation followed as a matter of course. The demesne henceforth ceased to be the nucleus round which the peasant holdings were clustered in a condition of economic dependency. On the manor of Wilburton[3] the lease of the demesne,

[1] Savine, *English Monasteries*, 153. One was retained as a home farm. For small demesne tenancies see R. H. Tawney, *Agrarian Problem* (1912), 204.

[2] Savine, *op. cit.* 154, 165. On some estates the land-and-stock lease continued even in the sixteenth century: *Select Cases in the Star Chamber* (Seld. Soc. Pub.), i. lxxxiii.

[3] *English Hist. Review*, ix. 432.

comprising 246 acres of arable and 42 of meadow, to a farmer for a term of years at a rent of eight pounds was followed by the commutation of all the labour services due from tenants on the estate. On the monastic estates [1], however, bailiff-farming continued to survive more often, and at the time of the dissolution of the monasteries the monks were still farming their own demesnes on an extensive scale. But elsewhere the cultivation of the soil passed out of the hands of its owners, and the break-up of the demesne paved the way for the formation of a numerous and widely spread class of small peasant proprietors and tenant farmers—the yeomen of England.

The Peasants' Revolt.

We have now to determine the place occupied by the Peasants' Revolt in the break-up of the manorial system. It was the first great struggle between capital and labour, and has been justly described as "one of the most significant and interesting events in the whole of mediaeval history" [2]. Attention has been drawn to the fact that the causes of the rising have been largely misconceived. It has been wrongly assumed that the performance of predial services had become utterly obsolete at the time of the Black Death, and that the insurrection sprang from an attempt on the part of the lords to force the villeins back to the old system of labour dues which they had been allowed to redeem. But we have seen conclusive evidence that the exaction of week-work was still the general practice on many manors. Indeed, one of the remarkable features of the rebellion was the support lent by the country gentlemen, while the principal leader in Norfolk was a knight, Sir Roger Bacon [3]. Their sympathy, however, was perhaps inspired by a belief which obtained currency among the insurgents, that the king's party was not unfavourable to the revolt and wished to use the popular discontent as a lever to overthrow John of Gaunt [4]. Moreover, one of the chief seats of the insurrection

[1] Savine, *op. cit.* 153.
[2] Petit-Dutaillis, *Histoire constitutionnelle*, ii. 898.
[3] E. Powell, *The Rising in East Anglia* (1896), 3, 26.
[4] Richard II. had to issue a proclamation denying that he favoured the insurrection: *A Chronicle of London from 1089–1483* (1827), App. 212.

was Kent, where "there was no villeinage"[1], though of course some labour services were exacted from the tenants. It was in fact a rising, not only of villeins, but of freemen, for tradesmen, artisans, the lower clergy and the free labourers were also[2] implicated in the movement. The revolt had a political as well as an economic aspect, and one cause of the unrest was the unpopularity of the king's ministers, who had failed to check the pillaging of Scotsmen in the north and the raids of Frenchmen in the south, and had emerged so ingloriously from their foreign wars. Two measures of the government, which was identified in the popular imagination with the party of the landlords, in particular evoked a storm of popular hatred. The Statute of Labourers aroused passionate resentment among the rural classes whose wages it sought to depress. This was shown in the execution of Sir John Cavendish, Chief Justice of the King's Bench, who administered the act in Suffolk and Essex[3]. Profound discontent was also stirred by the imposition of a poll-tax in 1381. On two previous occasions in 1377 and 1379 taxes had been levied for the purposes of the French war, but the contributions exacted from the poorest classes had not exceeded one groat, that is fourpence per head of the population. But in 1381 three groats, a sum equivalent to a week's wages, were demanded of every person over fifteen years of age, and the incidence of the tax also fell unequally[4]. The poor were driven to take refuge in fraud, and gave false returns as to the numbers in their households. In Lincoln 1200 persons escaped contribution, in London 3000, while in Suffolk no less than 27,000 names were at first suppressed. Altogether more than one-third of those who paid the tax in 1377 evaded the tax in 1381. Between 1377 and 1381 the population of England as given by the returns for the Lay Poll Taxes appeared to have fallen from 1,355,201 to 896,451 persons, excluding the counties of Cheshire, Durham and Mon-

[1] *Supra*, p. 50.

[2] Ch. Petit-Dutaillis, Introd. to *Le Soulèvement des travailleurs d'Angleterre en 1381* (1898), pp. xli-xlii, xlix.

[3] Powell, *op. cit.* 14.

[4] The rich were ordered to help the poor to pay their tax, but in a great many villages there were no rich men, and the whole burden fell upon the poor; thus the distribution of the tax over the different localities was unequal: C. Oman, *The Great Revolt of 1381* (1906), 26-27.

mouth[1]. But to appreciate the full significance of these figures we must add that the total for 1381 represent the returns as afterwards revised by the commissioners. The original returns for 1381 made by the first collectors have not been printed; without question they would reveal a still more striking disparity between the years 1377 and 1381. This is proved by the figures for Suffolk; the number assessed in 1377 was 58,610 and the revised number for 1381 was 44,635, but the first return for the latter year was 31,734, thus disclosing an original difference of nearly 27,000[2]. The government, which had been tricked on a lavish scale, appointed commissioners to institute an inquiry and inflict penalties on defaulters. The undertaking was hazardous in view of the large numbers incriminated; it proved to be the spark which set the whole country in a conflagration.

Social unrest.

Apart from political grievances, social unrest was the dominant note of the age. The economic crisis weakened the popular attachment to custom and tradition, and left the minds of men disturbed and inflamed, eagerly receptive of the doctrines which Ball and his fellow-preachers were spreading through the land. Wycliffe, who leaned on the support of the aristocratic faction and taught that temporal lords had a right to their property, was not responsible for the outbreak, and the insurgents did not advance heretical views[3]. But the spirit of his teaching and the denunciation of ecclesiastical riches were extended by his audience, not only to the religious, but to the social world around them. The insurrection brought together all the elements of disaffection, and furnished a rallying-point for all who were stirred by revolutionary fervour or had grievances to redress. At Cambridge the bells of St. Mary's summoned the townsmen to the Guildhall, whence they made their way to Corpus Christi College; and, after sacking it, proceeded to burn the University records crying, "Away with the learning of clerks, away with it"[4]. The University

[1] Powell, *op. cit.* App., 120. [2] *Ibid.* 6.

[3] This seems now established: Trevelyan, *England in the Age of Wycliffe*, 199-200; Petit-Dutaillis, *Histoire constitutionnelle*, ii. 872. We may compare the Peasants' War in Germany.

[4] *Rot. Parl.* iii. 106 *a*. C. H. Cooper, *Annals of Cambridge* (1842), i. 120 *seq.*

was forced to resign the privileges conferred upon it by royal favour and to acknowledge the supremacy of the town rulers. At St. Albans and Bury St. Edmunds the pent-up hatred of the inhabitants, whose minds were stored with memories of past wrongs, broke out afresh in violent attacks upon the Abbey gates [1].

Grievances of the villeins.

On their part the villeins, too, were by no means indifferent to the general unrest. It is necessary to try and understand as clearly as we can the character of their grievances and the nature of their demands. It is now generally held that the lords made no attempt to exact labour services from villeins who had been allowed before the Black Death to commute their obligations for payments in money. This view is a reaction against the opinion of Thorold Rogers that the fundamental cause of the Peasants' Revolt was the attempt to revive obligations which had become obsolete. But the reaction has been carried too far, and would suggest that the nature of the changes which were taking place during the first half of the fourteenth century has been imperfectly appreciated. The extent of commutation varied on each manor from year to year, but while the process was irregular many villeins must have found no difficulty in commuting most of their services, renewing their annual bargain with the lord as a matter of course. The molmen, it is true, entered into a permanent arrangement to pay rent in lieu of labour dues, and it is improbable that the lord tried to reverse the contract which he had made with them. But other villeins, who had come to regard the commutation of their services as a mere formal procedure which they repeated year after year, would suddenly find the lord no longer willing to allow commutation if he could avoid it. It is at any rate quite certain that the number of works sold upon the manor was often diminished, rather than increased, in the years which followed the Black Death [2]. The lord had every motive to check the process of commutation, and villeins who had obtained practical immunity from predial service might very well find themselves once again reduced to work upon the lord's demesne. There might be no violation of legal

[1] *Infra*, p. 184 *seq.*

[2] *Supra*, p. 87, Tables C and D.

rights, but the hardship would be none the less severely felt. Everything indeed points to the conclusion that the lords were straining all possible effort to cope with the new situation, and secure the necessary amount of labour on their estates. The bishop of Winchester was lord of the manor of Wergrave in Berkshire. He arrested a bondman of the manor who was dwelling at Waltham, and sought to compel him to do service with him (1351); the bondman refused and broke the arrest[1]. This case was probably typical of many, and if the attempt to restore the customary system in cases where it was practically, though not technically, abrogated was at all general, it would explain one element in the disaffection which found vent in the Peasants' Revolt.

Nature of their demands.

On the other hand, we must not drift into the opposite error, and suppose that the majority of villeins had managed to emancipate themselves from serfdom before the Black Death. The tables given above[2] seem to prove that, in certain parts of England at any rate, the greater number were rendering actual labour on the eve of the pestilence. Their part in the insurrection may be explained by their desire to shake off the shackles of bondage, which appeared all the more insupportable when contrasted with the prosperity of the free labourers. The revolt afforded them a unique opportunity to make a bid for freedom, and in Cambridgeshire a leader of the revolt rode up and down the county calling upon all men to refuse their services to their lords[3]. The great mass of the villeins were discontented, not because the lords had tried by coercion to make their obligations heavier, but because circumstances had rendered them less compliant and submissive. Indeed, the root of the trouble was not that the lot of the rural labourers had grown steadily worse, but that in various ways it had grown steadily better. The formidable and widespread organization of the insurgents indicates clearly enough that it was not the last despairing effort of a down-trodden peasantry; it was rather the outcome of social changes which by improving the condition of the labourer had made him more impatient of the

[1] *Patent Rolls*, 1350–1354, p. 161. [2] *Supra*, p. 84.
[3] Powell, *Rising in East Anglia*, 49.

antiquated survivals of a worn-out manorial *régime*. The Peasants' Revolt was in no sense of the term communistic, and the proposals which inspired it were practical in the extreme—the abolition of personal servitude and the commutation of labour dues for a fixed rent of fourpence an acre.

Withdrawal of services before 1381.

It is important to observe that even before 1381 the villeins were refusing their services and forming confederacies [1]. The court rolls foreshadow the approaching storm. At Coleshill (Berkshire) [2] in 1377 the tenants were clearly ripe for insurrection; one was refusing to perform his services, another disturbed labourers at their work, a third was gone from the land, a fourth neglected his carriage duties and left the hay lying on the ground all spoilt. A statute of 1377 recites that "villeins and land-tenants in villeinage who owe services and customs to their lords . . . do daily withdraw their services . . . by colour of certain exemplifications made out of the Book of Domesday", in virtue of which "they affirm them to be quite and utterly discharged of all manner servage . . . and, which more is, gather themselves together in great routs and agree by such confederacy that every one shall aid other to resist their lords with strong hand" [3]. But the attempt on the part of villeins to escape from bondage on the ground that their services were not recorded in Domesday Book was older than the Black Death. In 1346 the men of Acle contended that their manor was of Ancient Demesne, and summoned the abbot of Tinterne before the justices of the bench to answer wherefore he exacted from them customs and services other than they ought to do, or had been done by their ancestors when the manor was in the king's hands. To this the abbot rejoined that he ought not to answer since the men were his villeins. Domesday Book was therefore searched, and showed that Acle was not of Ancient Demesne on the day that King Edward was alive and dead; and the plaintiffs were therefore "in mercy" for their false claim [4].

[1] *Patent Rolls*, 1350–1354, p. 275—the bondmen at Henbury refused the services due to the bishop of Worcester (1352).

[2] *Vict. County Hist. Berkshire*, ii. 189. [3] *Statutes*, ii. 2.

[4] *Patent Rolls*, 1345–1348, p. 162. An earlier example is 1238: Bracton's *Note-Book* (ed. F. W. Maitland, 1887), iii. No. 1237.

Effects of the Peasants' Revolt.

The concessions extorted from the government by the insurgents of 1381 were revoked the moment the revolt was at an end. A statute of 1382 enacted that "all manner manumissions, obligations, releases and other bonds made by compulsion . . . in the time of this last rumour and riot against the laws of the land and good faith shall be wholly annulled and holden for void"[1]. The following year it was added that copies "of inrollments of deeds destroyed in the rising should be of the same force as the originals"[2]. But in spite of reactionary legislation, "the results of the rising" it has been said "were of marked importance", for the villeins "had struck a vital blow at villeinage. The landlords gave up the practice of demanding base services"[3]. But there are no real grounds for assuming that the insurrection accelerated the disappearance of villeinage on any large scale, or materially affected the current of economic progress. The life of the manor did not as a rule undergo any immediate transformation, and instances like the manor of Bray in Berkshire[4], where the commutation of services at once followed the Revolt, appear to be exceptional. The lords continued to exact predial services and the villeins continued to form confederacies in resistance; the former were not intimidated, and the latter were not crushed. We still continue to read in the court rolls how tenants were fined because they came not to plough their lord's lands when summoned, and would not come to reap[5]. In 1385 the bondmen of Leighton[6] in Huntingdonshire, and again in 1386 the bondmen of Haugh Little[7] in Suffolk, withdrew their customary services, organized a union, and bound themselves by oath to resist their masters; and there are many other examples. These agricultural unions, of which we obtain fleeting and all-insufficient glimpses, were the counterpart among rural labourers of journeymen gilds, or industrial unions, in the towns. In 1394 the villeins and tenants in villeinage at

[1] *Statutes*, ii. 20. [2] *Ibid.* ii. 27.
[3] Stubbs, *Constitutional History*, ii. 485. Similarly Rogers, *Agriculture and Prices*, iv. 4. [4] *Vict. County Hist. Berkshire*, ii. 192.
[5] *Select Cases in the Court of Requests*, 89, 90 (Abbots Ripton).
[6] *Patent Rolls*, 1385–1389, p. 88. [7] *Ibid.* p. 88.

Balsall [1] did "long and rebelliously" refuse their customs and services, and leagued together in opposition to the lord, "besides doing other intolerable evils". Nor did the struggle between the lords and the villeins pass away with the opening of the new century. It continued into the Lancastrian era, and we can trace it on manors in Essex and elsewhere at least as late as 1426 [2]. Thus the Peasants' Revolt was not an isolated episode, but only an example on a larger scale of occurrences which were taking place in many parts of the country both before and after the insurrection. It has attracted attention because it was more dramatic, more widespread, and more violent, but we need not minimize its importance to recognize that its true significance is liable to be misinterpreted. In the light of the evidence we have cited, it is clear that the struggle between the landlords and the serfs was protracted for at least two generations beyond the Peasants' Rising, and that the revolt itself was but one symptom of a malady which continued to afflict rural society until villeinage completely disappeared. The end of villeinage in England was not due, then, to the Peasants' Revolt. The system of villein tenures died out, in reality, as the result of economic changes which were already at work before 1381, and continued in operation long after the insurrection had run its course. The dislocation which followed the Black Death foiled all attempts to reconstitute on a stable and permanent basis the old manorial order, and the alienation of the demesne or its conversion into a sheep-run were the real forces which dissolved the economic fabric of mediaeval serfdom.

The abolition of villeinage as a tenure prepared the way for its abolition as a status. When servile labour ceased

[1] *Patent Rolls*, 1391–1396, p. 525. The Patent Rolls for Richard II.'s reign show how numerous were the manors in which the villeins withdrew their services, and sometimes formed leagues. Vol. 1385–1389, pp. 178, 256, 264 (1386); 317, 319 (1387). Vol. 1388–1392, pp. 59 (1389); 217, 340 (1390). Vol. 1391–1396, pp. 294 (1393); 429, 525 (1394). Vol. 1396–1399, pp. 52 (1396); 309 (1397); 365 (1398); 509, 511 (1399).

[2] *Ibid.* 1422–1429, pp. 174, 300, 328. Presentments of the withdrawal of *nativi* from the manor of Brookend continue from 1382 to 1462: *Eynsham Cartulary*, ii. p. xxvi. As late as 1469 an attempt was made to bring back two brothers to High Easter: *Vict. County Hist. Essex*, ii. 318.

to be the basis of the manorial system, the legal aspect of serfdom lost in a large measure its practical importance. Technically the serf obtained emancipation only by formal manumission, but the fundamental cause of the disappearance of bondage was not legal but economic. Emancipation from labour service brought in its wake legal security and an improved status, and commutation by destroying the economic foundations of villeinage became a powerful lever in the enfranchisement of the English peasantry. It transformed the relations between the lord and his tenants, substituted contract for custom, and merged the villein into the freeman. The distinctive marks of bondage were obliterated as the result of a gradual economic revolution which turned labour dues into money rents. It would be a mistake, however, to assume that the break-up of manorial husbandry and the commutation of personal service straightway conferred rights of freedom upon the serf; legally his status remained unchanged. Personal serfdom survived the decay of economic serfdom, and was not destroyed either by the Black Death or the Peasants' Revolt. Nevertheless bondage gradually disappeared and ceased to be numbered, both in name and in fact, among the social institutions of England. In the first place the disorder produced by the great plague favoured the assertion of freedom, and the flight of the villeins at this period, and subsequently, dispersed large numbers of the manorial population[1]. In this way there was to all appearance a substantial decrease in the number of bondmen during the fourteenth century. In the second place the dissolution of the manorial system relaxed the lord's grasp on his subjects, afforded them immunity from control, and so enlarged the avenues of escape. Henceforth, even in the absence of legal forms, it was rendered comparatively easy to shake off the shackles of bondage and obtain freedom by prescription. The memory of their original servitude died out when labour services, the outward sign and primary purpose of their subjection, were no longer exacted from them. It would be difficult to prove their servile status, since the mortality of the Black Death had

Survival of villeinage as a status.

[1] *Supra*, p. 93.

caused a breach of continuity in the life of the manor, in the evidence of its rolls and the testimony of its officials.

Personal serfdom in the sixteenth century.

None the less serfdom lasted through the fifteenth and sixteenth centuries, and while the mass of customary tenants obtained emancipation, there were still large numbers of bondmen in existence under the Tudors scattered over many counties. Some Elizabethan writers have denied this: "so few there be", wrote Sir Thomas Smith[1], "that it is not almost worth the speaking". But sixty years earlier Fitzherbert had written in a different strain[2]: "In some places the bondmen continue as yet, the which me seemeth is the greatest inconvenience that now is suffered by the law". The House of Lords in 1537 rejected a bill for the manumission of villeins[3], an indication that the plea advanced by the insurgents in 1549 was no idle utterance: "We pray that all bondmen may be made free"[4]. There is documentary evidence, surveys and court rolls and manumissions, in proof of sixteenth-century villeinage. It has been reckoned[5] that they formed about 1 per cent. of the whole population, and this estimate would imply that many thousands still remained in a condition of personal subjection. Henry VII. manumitted a number of villeins on his estates (1485), "because in the beginning nature made all men free, and afterwards the law of nations reduced some under the yoke of servitude"[6]. In 1500 there were still eight bond families on the manor of Forncett; in 1550 the number had dwindled to three, and by 1575 serfdom was here extinct[7]. Nor was the survival of villeinage a mere legal fiction, as is sometimes thought[8], devoid of all practical signi-

[1] *De Republica Anglorum* (written in 1583), ed. L. Alston (1906), 131.

[2] *Surveyinge* (ed. 1539), c. xiii. p. 31.

[3] A. Savine, "Bondmen under the Tudors", in *Trans. Royal Hist. Soc.* N.S. xvii. 239.

[4] F. W. Russell, *Kett's Rebellion in Norfolk* (1859), 51.

[5] Savine, *op. cit.* 284. See also H. E. Malden, "Bondmen in Surrey under the Tudors", in *Trans. Royal Hist. Soc.* N.S. xix. 305.

[6] *The Reign of Henry VII. from Contemporary Sources* (ed. A. F. Pollard, 1914), ii. 234. The bishop of Chichester manumitted bondmen in 1522: *Hist. MSS. Comm. Various Collections*, i. 194.

[7] *Trans. Royal Hist. Soc.* N.S. xiv. 131, 132, 140.

[8] It is far from being the case that manumission "meant only the relief of the bondmen from an opprobrious appellation": Hone, *The Manor and Manorial Records*, 60.

ficance. The peculiarity of the villein's condition consisted no longer in the obligation to enforced labour, but in the liability to be tallaged arbitrarily at the lord's will, and to pay certain fines and dues from which freemen were exempted. A bondman of Castle Combe[1], William Heyne, who had accumulated considerable wealth as a clothier, was forced to pay fines for marrying his daughters, and after his death heavy exactions were repeatedly extorted from his widow before she was allowed to retain undisturbed possession of his goods. Altogether his family was mulcted of over two hundred and forty pounds within a generation; and from another the earl of Bath [2] seized goods worth four hundred pounds. The bondmen were often in fact men of substantial position who were too wealthy to be allowed manumission. A mayor of Bristol was claimed as a serf, and in 1586 the privy council intervened on his behalf. A letter was sent to Lord Strafford "that his lordship forbear to offer any violence or other molestation unto R. Cole, mayor of the city of Bristol, and T. Cole his brother, by seeking to disturb them in their trade and to seize their bodies upon pretence of challenging them to be his lordship's bondmen, seeing they offer to answer his lordship in law, and that their lordships think it requisite that a principal officer of such a place and his brother, having been both themselves and their ancestors heretofore reputed freemen, should not be so hardly dealt with upon any suspicion" [3]. Manumission especially was a source of profit, and the heavy price sometimes paid for emancipation would seem to show that serfdom was still attended by serious disabilities, immunity from which was worth considerable sacrifice. One of the bondmen on Forncett manor [4] appears to have paid no less than a hundred and twenty pounds for manumission, and Elizabeth granted patents to her courtiers empowering them to enfranchise a number of villeins on the Crown lands as a means of raising

[1] G. Poulett Scrope, *History of Castle Combe* (1852), 223 (*temp.* Hen. VI.).
[2] *Select Cases in the Court of Requests*, 49; cf. *ibid.* 42.
[3] Savine, *op. cit.* 261.
[4] *Trans. Royal Hist. Soc.* N.S. xiv. 134.

money [1]. Personal serfdom had thus survived only as an instrument of extortion. It had lost all economic significance the moment it ceased to be the basis of compulsory labour and the keystone of mediaeval husbandry.

[1] I. S. Leadam, "The Last Days of Bondage in England", in *Law Quarterly Review*, ix. 357.

CHAPTER IV

THE AGRARIAN REVOLUTION

The growth of large farms.

DURING the two hundred years that lie between the end of the thirteenth and the opening of the sixteenth century English rural society, even apart from the disintegration of the manor, had not stood still. One great change was slowly breaking down the rigid uniformity of the old agrarian arrangements and transforming the characteristic features of the open field system of husbandry. This was the concentration of landed property in the hands of fewer persons. In the thirteenth century the typical peasant holding had been the yardland of thirty acres, and the pressure of manorial obligations had combined with economic forces to maintain outwardly intact the general regularity of the virgate system. But after the Black Death the conservatism of manorial life was gradually relaxed by a growing economic individualism which undermined the very basis of the village community, destroying the primitive equality of the original shareholders in the common fields. One or two examples will serve to illustrate the new economic tendencies, which were already bringing about a different order of society long before they were enormously accelerated by the social upheaval of the sixteenth century. In 1452 the manor of Malden in Surrey[1] included one tenant with twenty-four acres, three with sixteen, two with fifteen, and others with ten, eight, six, five, and two acres respectively. These holdings show traces of the original tenement of sixteen acres, which was now fast disappearing under the disintegrating influences of an incipient capitalism. Again in 1275 Aspley Guise[2] contained forty customary tenants each

[1] Tawney, *Agrarian Problem*, 68. [2] *Ibid.* 73.

with half a virgate; in 1542 three tenants still occupied a half virgate, and there were one holder of thirty acres, two of sixty, and three of seventy-five. This is an excellent instance of the growth of large farms out of consolidated tenements, and on a Dorsetshire manor [1] we find one villein holding a hide and four others with half a hide each. But often the process of formation was more irregular, and the outlines of the original holding were completely obliterated.

Their nature and significance.

We can easily picture to ourselves the methods by which capitalist enterprise was building up larger tenancies. The commutation of labour services destroyed the lord's interest in preserving the uniformity of the villein holding, and weakened irreparably the influences which had maintained practical equality among the members of the different strata of manorial population. Once seigniorial pressure was removed, the competitive instinct inherent in the human spirit reasserted itself with greater ease, commercial forces were brought into play, and the most varied economic conditions made their appearance. As an immediate consequence of the Black Death a large number of holdings had reverted to the lord of the manor, and in a great multitude of cases they must have been taken over by the surviving tenants. The alienation of the demesne and encroachment upon the waste afforded renewed opportunities to the enterprising farmer, and enabled well-to-do tenants to extend the size of their holdings. At the same time a land-market [2] was developed among the village landholders themselves. The desire to combine unity of management with unity of ownership impelled many peasants to consolidate their strips, buy out the holdings of their impoverished neighbours, and amalgamate their new acquisitions with their old. Thus side by side with the disintegration of the manorial system went the gradual substitution of large farms for small, as the outcome of a tentative capitalist *régime*. The dissolving forces of commercialism relaxed the rigidity of mediaeval land tenures and opened

[1] *Vict. County Hist. Dorsetshire*, ii. 232.
[2] Cf. Tawney, *op. cit.* part i. c. 2; *English Hist. Review*, xvii. 781.

the door to more elastic arrangements. Land became a commodity which passed from hand to hand, could be bought and sold and exchanged. It is true that these tendencies were at work in earlier times. Already in the thirteenth century they had destroyed the uniformity of the freehold tenements, and were fast turning into a transparent fiction the apparent uniformity of the villein tenements[1]. As early as 1279 a tenant on the estates of St. Paul's, whose ancestor in 1222 occupied a single virgate, had accumulated eight or ten tenements[2], and on an Essex manor at the opening of the fourteenth century (1312) the villeins were enlarging and combining together two or more farms[3]. But the movement gathered increasing momentum during the course of the fifteenth century, and it is impossible not to connect its progress with the great pestilence. Nothing less than some violent external shock would have sufficed to disturb the deep-rooted stability of mediaeval rural society. However this may be, the net result of a century and a half of change seems to have been to accumulate land in fewer hands, to develop a class of prosperous tenants, and to produce a growing inequality in the disposition of landed estates. In place of the normal villein holding to which the average tenement had once conformed, appeared an endless variety ranging in size from a handful of acres to many scores. The social equality originally impressed upon each manorial group, the virgaters, the semi-virgaters and the cottagers, was superseded by an ever-widening inequality. It was left for a subsequent generation, the men of the sixteenth century, to appreciate the full significance of these changes in the distribution of territorial property. The prosperous tenant who added one strip to another prepared the way for the large leasehold farmer, the capitalist entrepreneur, who amalgamated one holding with another. The piecemeal dealings of the primitive land-market afforded precedents for the conduct of transactions on a more extensive scale. Above all, the earlier movement facilitated the agrarian revolution by making a breach in the traditional arrange-

[1] *Supra*, p. 14.

[2] Hale, *Domesday of St. Paul's*, p. lv.

[3] *English Hist. Review*, xxvi. 333.

ments of open field husbandry, through which the flood-tide of catastrophic changes would one day swiftly pour with unrestrained violence. It loosened the sanction of manorial custom, it weakened the authority of local law, it accustomed landlords and tenants to violate the immemorial practices of centuries when it best served their interests to do so. It was impossible to foresee that it opened the avenue to destitution as well as to prosperity, by taking from the tenants the one safeguard that could protect them in seasons of distress. An age was at hand in which landlords were to show themselves willing and ready to turn the situation to their own economic advantage, and the very causes which had promoted the welfare of the peasantry then proved the occasion of their undoing.

The meaning of enclosure.

The growth of large farms was, however, only one aspect of the agrarian changes with whose history we are concerned in the present chapter. Even more important was the process of enclosure, for this involved nothing less than the extinction of the village community itself. The term *enclosure* has been the source of much confusion, and it will be as well to explain at the outset the variety of meanings which it appears to have covered. It was applied to four distinct processes, and denoted the abolition of the system of intermixed ownership as a result of (i.) the consolidation of scattered strips into compact properties of arable land permanently surrounded with hawthorn hedges, (ii.) the conversion of arable into pasture, (iii.) the concentration (engrossing) of holdings, and (iv.) the occupation of the common waste which destroyed or diminished rights of common, and so would tend to facilitate the disappearance of the strip system. All four processes converged in one and the same direction, involving the partial or complete disintegration of the open field system and the emancipation of the individual farmer from communal control. But in other respects their effects were widely dissimilar; it was a matter of extreme moment, whether the disappearance of the common fields was due to conversion of arable or improved husbandry, and whether the extinction of the commons was accompanied by adequate compensation

to those whose interests were bound up with their preservation.

Consolidation of strips.

Of the movement towards large holdings during the fifteenth century we have already spoken [1]; and the conversion of arable into pasture at the same period can best be treated in the section devoted to its consideration [2]. But at this point we may remark how the two remaining processes identified with the enclosing movement were also anticipated before the sixteenth century. Alike on the part of the lord [3] and his tenants, a practice had been steadily growing from the thirteenth century by which the owner of a scattered farm surrendered his disjointed strips in exchange for those of his neighbours, and so built up a compact property disentangled from communal restrictions. On the manor of Gorleston [4] in the time of Henry III. tenants were subletting many of their own ancestral plots of land, while they rented the strips of others. The quantity of land in the occupation of the tenant remained undiminished, but his farm had become more consolidated. About the same period a great landowner, Lord Berkeley, was setting a similar example, enclosing his land in severalty and freeing it from rights of common and the open fields. He " reduced great quantities of ground into enclosures and severalty, by procuring many releases of common from freeholders wherein he bestowed much labour, and the like in exchanges of grounds with them, some in greater, some in lesser quantities, some less than a quarter of an acre " [5]. The industry of his successors, who also carried out " exchanges of land . . . casting convenient parcels together ", raised the value of the land, as it was said, from fourpence and sixpence an acre to eighteenpence [6]. In other cases, apparently, there was no redistribution of the strips or reallotment of the soil, but the owner of a tenement engaged

[1] *Supra*, p. 115. [2] *Infra*, p. 126.

[3] The view that the earlier enclosing movement " originated not on the side of the lord . . . but on the side of the peasants " (Tawney, *Agrarian Problem*, 165), seems to conflict (i.) with the example cited below of the Berkeley landowners, and (ii.) with the fact that the demesne was commonly more compact than the land held by tenants.

[4] *Vict. County Hist. Suffolk*, i. 643.

[5] Smyth, *Lives of the Berkeleys*, i. 113. [6] *Ibid.* i. 160-161.

with his neighbours that they should waive their rights of common over his land in consideration of an annual payment [1]. It was natural that the shareholders in the common fields should enter into agreements to enclose their land, or to exchange their strips, or to exclude 'commonable' cattle from pasturing on their soil. An example of enclosure by mutual consent is that of Woodeaton in 1448, where the lord and his tenants agreed that each one should possess his own close and should hedge it at his own expense [2].

Enclosure of the waste.

Even more familiar was the process by which portions of the common waste were enclosed, and held in separate and individual ownership. It was difficult under the best circumstances to interfere with the vested interests of the open field proprietors, and the waste constituted the reserve fund upon which the lord and the villagers could draw to satisfy the claims of a growing population and to meet the exigencies of a widening market. But the curtailment of the commons created a fertile source of controversy, and the Statute of Merton [3] would seem to show that disputes over the *approvement* of the waste had already begun to unsettle the even tenor of village life. In a deed dated 1313 the lord of Irton gave licence to William de Irton to enclose forty acres of waste, promising in a significant clause to indemnify him if any one who had rights of common hindered the enclosure [4]. The examples we have cited serve to show that even before the Black Death economic influences were already undermining the open field system. A process of integration was at work, consolidating the scattered strips, curtailing the common waste, diminishing the rights of common, disturbing the customary and immemorial routine of mediaeval husbandry. But the consequences entailed by the break-up of the old manorial *régime* during the fourteenth and fifteenth centuries must have given an enormous impetus to the process of dissolution. For one thing, the displacement of the original tenantry enabled the lord, as occasion served, to throw the holdings together and build up a more compact estate. For

[1] Examples given in Savine, *English Monasteries*, 186.
[2] *Eynsham Cartulary*, ii. p. lxxiii.
[3] *Supra*, p. 73.
[4] *Archæological Journal*, xxix. (1872), 86.

another thing, the spread of commutation, the increasing mobility of land, the unwonted opportunities of acquiring and utilizing capital, produced a more vigorous and enterprising peasantry. It made innovation and change familiar to the daily thoughts and habits of the villagers. A new generation of tenants emerged, who questioned the lord's claims to exact the services of bondmen, who appealed to an older tradition of freedom [1], and who raised the standard of revolt, formed unions, and for almost a century kept up an agrarian warfare. These men were less likely to submit with indifference to the cramping restrictions of the old communal methods.

Extent of the earlier changes.

How far the changes in the open field system had proceeded on the eve of the agricultural revolution we cannot even dimly conjecture; we can determine their direction, we can hardly hope to know their extent. It would be easy, however, to exaggerate their influence; the vitality of open field husbandry was incalculable, and even after the sixteenth century had run its turbulent course, England was still a land of open fields and common waste [2]. One fact alone emerges clearly, and this we must be content to set in the strongest light; the individualist movement of the Tudor period, the commercializing of agriculture and the growth of compact farms, was already asserting itself in earlier times, and as a result the system of intermixed ownership was already undergoing a profound modification on many fifteenth-century manors.

I. Enclosure for arable:

(i.) Testimony of Tusser.

The defects of the open field system, with its scattered ownership, its joint labour and compulsory rotation of crops, have already been described. Tusser, an agricultural writer of the sixteenth century, drew a comparison in his '*Five Hundred Points of Good Husbandrie*' [3] between land which was 'several' or enclosed, and land which was 'champion' or unenclosed. He strongly favoured the former:

"The country enclosed I praise,
the other delighteth not me".

[1] Viz. the evidence of Domesday Book: *supra*, p. 108.

[2] And much later: J. L. and B. Hammond, *The Village Labourer* (1911), 26.

[3] *English Dialect Soc.* 140 *seq.*

When land was enclosed for purposes of tillage the farmer acquired a compact holding, and was free to abandon the customary course of cultivation and introduce improved methods of husbandry. Tusser claims that:

> " More profit is quieter [more easily] found
> (where pastures in several be)
> Of one silly [simple] acre of ground
> than champion maketh of three.
> Again what a joy is it known
> when men may be bold of their own ".

The advocates of enclosure for purposes of arable farming did not anticipate depopulation; an equal number of farmers would be supported and more work would be found for agricultural labourers.

(ii.) *Fitzherbert.*

Tusser was not alone in his insistence upon the importance of enclosing arable land. Fitzherbert, in his book on *Surveyinge*[1], endeavours to show " how to make a township that is worth twenty marks a year worth twenty pounds a year ". He proposed that every tenant should surrender his bundle of scattered strips, and receive in exchange a compact holding proportioned in size to his original allotment. This was done, among other places, at Shroton in Dorsetshire[2] where the enclosure of land was carried out by agreement. It was arranged that six tenants " chosen and sworn should tread out the lands of the manor and allot how much each tenant should have, and so every one enclosed his land and so held it till to-day ". Fitzherbert enumerates the advantages which he believed to attend a redistribution of the soil. The husbandman would be able to keep twice as many cattle as before and his corn would be better protected. The value of land would also be increased; for example, an acre of meadow would be " worth half as much again "[3]. This statement is borne out by the fact that enclosed land was sometimes rated more heavily than unenclosed[4], and on the Somersetshire manor

[1] Ed. 1539, c. 41.
[2] *Vict. County Hist. Dorsetshire*, ii. 247.
[3] *Surveyinge*, c. 3. For the authorship, see *English Hist. Review*, xii. 225.
[4] *E.g.* Tawney, *Agrarian Problem*, 169 (*n.* 2).

of Porlock [1] enclosed arable was twice the value of unenclosed. With Tusser, Fitzherbert urged that there was no danger of depopulation. He confesses indeed that herdsmen, shepherds and swineherds would be thrown out of employment, but he was careful to add: "To that it may be answered, though those occupations be not used, there be as many new occupations that were not used before—as getting of quicksets, ditching, hedging, and plashing, the which the same men may use and occupy" [2].

(iii.) *The Discourse of the Common Weal.*

The author of *A Discourse of the Common Weal of this Realm of England* bore similar testimony to the superiority of enclosed over unenclosed land. "Tenants in common be not so good husbands [farmers] as when every man hath his part in several". He added: "If land were severally enclosed to the intent to continue husbandry thereon, I think no harm but rather good should come thereof". But there was a danger that after enclosing their land men might proceed to convert it into a sheep-run, "as we see they do now too fast, the more is the pity" [3]. There was also the possibility that enclosure, even when for purposes of arable farming, might be carried out unfairly and to the detriment of the poorer tenants. This was often the case in the eighteenth century, and was admitted even by Tusser:

> "The poor at enclosing do grutch [grumble]
> because of abuses that fall,
> Lest some man should have but too mutch,
> and some again nothing at all".

Extent of enclosure for arable.

It is difficult to determine the extent to which agricultural land was enclosed for purposes of improved farming in the fifteenth and sixteenth centuries. A survey of England was made in 1517, and the returns of the Commission covering a period of thirty years have been preserved [4], but their evidence is not easily interpreted. Sometimes the decay

[1] *Vict. County Hist. Somersetshire*, ii. 304.
[2] *Surveyinge*, c. 41.
[3] Ed. E. Lamond (1893), p. 49. The probable date is 1549. The author should be added to the "only four writers of note [Carew, Tusser, Fitzherbert and Standish], who have anything to say in favour" of enclosures at this period: A. H. Johnson, *Disappearance of the Small Landowner* (1909), 39.
[4] *The Domesday of Inclosures*, 1517–1518, ed. I. S. Leadam (1897).

of households is definitely attributed to the conversion of arable into pasture. At other times, however, we are merely told that houses of husbandry, that is, farm-houses, have decayed without any reason assigned. It has been assumed that in the latter case the land was enclosed for purposes of tillage[1]. If this hypothesis is correct the results are certainly striking. It implies that in Berkshire no less than three-fifths of the enclosures were made for arable cultivation, and only two-fifths for grazing; in Lincolnshire two-fifths for arable, in Bedfordshire one-third, in Oxfordshire one-fourth; and in some parts the whole district[2]. The conclusion would follow that "the agricultural revolution was not simply a movement of inclosure to pasture", but that "the inclosure of arable was a movement contemporary with that of conversion to pasture"[3]. A further conclusion would be that the enclosure of arable was accompanied by the consolidation (engrossing) of small farms into large ones, and by the eviction of tenants from their holdings, as in the case of sheep-farming. "The new methods of arable cultivation involved . . . a reduction in the number of persons employed"[4]. But these conclusions seem hardly tenable. It is unlikely that the enclosure of land for the sake of improved husbandry was carried to any very large extent in the sixteenth century. The fact that the returns do not in each case mention the conversion of arable to pasture does not prove that no conversion took place, for repeated repetition of the clause would be wearisome[5]. As to depopulation Tusser and Fitzherbert distinctly claim, as we have seen[6], that improved cultivation did not involve depopulation. Above all, it is difficult to understand why those who so bitterly condemned the evictions of tenants should have confined their denunciations to sheep-farmers, if those who enclosed for purposes of tillage were equally incriminated. Tudor measures of social reform were expressly aimed against the conversion of arable into pasture and the

[1] *Domesday of Inclosures*, i. 37. [2] *Ibid.* i. 92, 245, 321; ii. 456.
[3] *Ibid.* i. 35, 92. Similarly, Nasse, *Agricultural Community*, 81.
[4] *Domesday of Inclosures*, i. 36.
[5] Cf. E. F. Gay, "The Inquisitions of Depopulation in 1517", in *Trans. Royal Hist. Soc.* N.S. xiv. 252 *et passim*. [6] *Supra*, pp. 122-123.

consequent eviction of the peasantry; they were not intended to prevent the consolidation of strips for purposes of arable farming, "for that had been", as Bacon[1] recognized, "to forbid the improvement of the patrimony of the kingdom". Of course we have no reason to doubt that enclosures were sometimes carried out with a view to a more progressive husbandry. The enclosing movement of the fifteenth century must have been largely directed towards this end; indeed, whenever enclosures were made on a small scale, it is unlikely that the plough was displaced or tillage abandoned. But in any case the consequences were far different from those entailed by the spread of sheep-farming, and to all appearance there were neither depopulation nor evictions. The absence of definite evidence on this aspect of the enclosing movement only proves that the more striking phenomena which attended the conversion of arable to pasture, the depopulation of villages and the turning adrift of tenants, seized upon the imagination of contemporaries and obscured the more silent, because harmless, changes which were in progress at the same moment[2].

II. *Enclosure for pasture.*

The fundamental feature of the agrarian revolution was the enclosure of land for purposes of sheep-farming. "Always the most part of enclosures", says Leland[3], "be for pasturages". This was the theme of countless sermons, pamphlets, ballads and acts of parliament, and filled the minds of statesmen, preachers and writers to an extent which only finds an adequate parallel in the religious changes contemporaneous with it. According to John Hales[4], "the chief destruction

[1] *Works*, ed. J. Spedding (1858), vi. 94. Speaking of the early years of Henry VII.'s reign Bacon says, "Inclosures began to be more frequent, *whereby arable land . . . was turned into pasture*": *ibid.* 93.

Contemporaries well understood the difference between enclosures, (*a*) for improved tillage, and (*b*) for pasture farming. The word Enclosure "is not taken where a man doth enclose and hedge in his own proper ground, where no man hath commons. For *such enclosure is very beneficial* to the Commonwealth: it is a cause of great increase of wood. But it is meant thereby when any man hath taken away and enclosed any other man's commons, or hath pulled down houses of husbandry, and converted the land from tillage to pasture": Hales's "Charge" to the Commissioners, in J. Strype, *Ecclesiastical Memorials* (ed. 1721), ii. App. Q, p. 56.

[2] *Itinerary*, (ed. L. T. Smith), iv. 10 (speaking of Lancashire).

[4] *Discourse*, Introd. lxiii. Mr. Tawney (p. 166) would regard Hales's statement as "a curt summary of the impression produced by a century

of towns [villages] and decay of houses was before the beginning of the reign of King Henry VII.", and his statement deserves more attention than has been paid to it. There is evidence to show that the changes in the direction of pasture farming had already made greater progress before the accession of the Tudors than is generally recognized. As early as 1414 a petition asserted that at Chesterton [1] near Cambridge no houses were left standing, "but if it were a sheep-cote or a barn", and in the same year the tenants of two villages in Nottinghamshire [2], Darleton and Ragenell, made complaint against enclosures. John Ross inserted in his *Historia Regum Angliæ* a list of villages and hamlets supposed to have been destroyed in Warwickshire [3]. The speech of the Lord Chancellor delivered at the opening of Richard III.'s parliament indicates that the movement which was to occupy the minds of Tudor statesmen for a century, was already arresting attention. "This body falleth in decay, as we see *daily* it doth by [en]closures and emparking, by driving away of tenants and letting down of tenantries" [4]. It is significant that the expenses of hedging are more frequently set down in manorial account rolls, while a new offence, the destruction of hedges, began repeatedly to recur in the court rolls [5] in spite of heavy fines. Cases in Chancery also attest the strength of the opposition which the enclosing movement was already arousing. At a manor in Edmonton (*c.* 1413) sixscore men "did break up divers pastures, closes and severalties, and enter therein and turn them into common" [6]. A few years earlier the abbot of Westminster appealed to the protection of the chancellor,

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of gradual consolidation and piecemeal enclosures carried out by the smaller cultivators". But this view can scarcely be upheld; Hales would not have described 'gradual consolidation' (which he favoured, when intended to promote tillage) as the *destruction* of villages and farm-houses.

[1] *Rot. Parl.* iv. 60 *b*.

[2] *Ibid.* iv. 29 *b*; compare also the reference to 'depopulatores agrorum' in 4 Hen. IV. c. 2 (*Statutes*, ii. 132).

[3] *Historia Regum Angliæ* (1745), 122 *seq.*, but the list may have been inserted by Hearne.

[4] *Grants of Edward V.* (Camd. Soc. Pub.), p. lii.

[5] At Coleshill (1451) all breakers of hedges were to be fined 3s. 4d.: *Vict. County Hist. Berkshire*, ii. 193.

[6] *Select Cases in Chancery*, No. 115.

because sixty persons had burnt the hedges and enclosures of the coppice in a wood belonging to the convent[1]. An example of sheep-farming in the fifteenth century comes from the manor of Burghclere in Hampshire[2]. In 1320 the arable demesne covered 265 acres. In 1455 the amount of land sown with corn had shrunk to 100 acres, yet the size of the demesne had been recently extended by over 500 acres. At the same time the cry was being raised that wealthy and unscrupulous graziers overcharged the commons with excessive number of sheep. At Coventry Laurence Saunders[3] was the stalwart champion of the poor; and elsewhere complaints were made that sheep-farmers "overburdened the common pastures"[4]. Altogether it seems undoubted that the movement towards sheep-farming was already proceeding more or less rapidly before the Tudor dynasty ascended the throne.

Reasons for sheep-farming.

For many centuries English wool was the staple article of export and the chief basis of England's wealth. It was acknowledged the best in Europe, and the repute in which it was held is reflected in the Woolsack, "the seat of our wise learned judges"[5]. The Cistercians in particular had been the pioneers of pasture farming, and at the time of Richard I.'s captivity they devoted a year's wool to his ransom[6]. In 1421 the amount raised by the king on wool was seventy-four per cent. of the entire customs revenue[7]. The striking feature of the agricultural revolution was the remarkable extent to which wool-growing was now substituted for corn-growing. Many factors combined to bring about the change. In the first place, tillage was ceasing to be a source of profit, since the export of corn was forbidden when prices were high, in order to ensure a sufficient home supply for the country's needs. At the same time the price of agricultural labour had risen considerably, and landlords and farmers welcomed an escape from a situation which must often have

[1] *Select Cases in Chancery*, No. 66.
[2] *Vict. County Hist. Hampshire*, v. 422.
[3] *The Coventry Leet Book* (ed. M. D. Harris), ii. 574-580.
[4] *E.g.* court rolls of Leckhamstead (Berks): Hone, *The Manor*, 167.
[5] John May, *A Declaration of the Estate of Clothing* (1613), 1.
[6] J. Smith, *Memoirs of Wool* (1757), i. 12.
[7] G. Schanz, *Englische Handelspolitik* (1881), 14 (*n.* 1).

been intolerable to them. While tillage was thus heavily handicapped, English wool readily found a market at home and abroad. Formerly the bulk of the wool produced in England was exported as raw material "unto a more ingenious nation" [1], to be worked up by the famous looms of Bruges, Ypres and Ghent. But in the fifteenth century the native cloth manufacture began to expand with great rapidity, and there was a corresponding demand for wool on the part of the English clothiers. Apart from the home market, England still retained the markets of Europe, especially Flanders and Italy, and no restriction at this period was placed on the export of wool. The profit derived by graziers from the growing of wool tempted landlords and farmers to turn their land into pasture [2], and it is scarcely surprising that Fitzherbert should regard sheep "as the most profitablest cattle that any man can have" [3]. "The foot of the sheep", men said, "turns sand into gold" [4]. We have also to take into account that much land had been brought under cultivation which was better suited for pasturage than for tillage, apparently owing to the fact that every village as a rule sought to raise its own food supply; "the pasture may be such that it is at double or treble the value of the arable land" [5]. It has also been contended that the soil was exhausted and needed rest from corn-growing.[6] Another important consideration was that sheep-farming exacted "small charge and small labour" [7]. Where twenty tillers of the soil had once been employed a single shepherd now sufficed, and shepherds were the worst paid of all classes of rural labourers.[8] It is evident, then, that strong inducements existed in favour of sheep-farming; its profits were higher and its expenses were lower than those of tillage. There was more profit, said a contemporary writer, "by grazing of ten acres to the occupier alone than is in tillage

[1] May, *op. cit.* 2.
[2] R. Pauli, *Drei volkswirthschaftliche Denkschriften* (1878), 22.
[3] *Husbandry*, 42.
[4] R. E. Prothero, *Pioneers and Progress of English Farming* (1888), 21.
[5] Fitzherbert, *Surveyinge*, c. 2 (p. 5).
[6] Denton, *England in the Fifteenth Century*, 160; Gonner, *Common Land and Inclosure*, 135, 324.
[7] *Discourse* 122.
[8] E. P. Cheyney, *Social Changes in England* (1895), 24.

of twenty"; and it was natural that the farmer had no "joy to set his plough in the ground"[1]. Another factor in the situation was the growth of a moneyed class enriched by the woollen industry and by their control over the financial business of the realm, which was now passing into their hands. They were anxious to find an outlet for their wealth, and sheep-farming afforded ample opportunities for safe and profitable investment. Speculation in land, especially after the dissolution of the monasteries brought great estates into the market, became widespread. Lincolnshire families[2] which had built up a fortune in trade invested money in land, and London citizens purchased manors in Surrey[3] or received grants from Henry VIII. in liquidation of his debts. In this way three London aldermen obtained a large part of Newstead in Nottinghamshire[4], and a London mercer acquired estates at Worksop. Crowley[5] bitterly attacked the merchants who were becoming landowners:

> "To purchase lands is all their care
> And all the study of their brain".

Lever wrote (1550): "The merchants of London" are not "content with the prosperous wealth of that vocation to satisfy themselves and to help others, but their riches must abroad in the country to buy farms out of the hands of worshipful gentlemen, honest yeomen, and poor labouring husband[men]"[6]. Thomas Cromwell even contemplated (1535) an act "that merchants shall employ their goods continually in traffic and not in purchasing lands . . . and that no merchants shall possess more than forty pounds lands by the year"[7]. Thus the merchant became a squire and aspired to the status of a country gentleman. "Every gentleman flieth into the country", so that in the cities "you shall find no policy, no civil order almost, nor rule"[8].

[1] *Discourse* 122.
[2] *Vict. County Hist. Lincolnshire*, ii. 326.
[3] *Vict. County Hist. Surrey*, iv. 427.
[4] *Vict. County Hist. Nottinghamshire*, ii. 281.
[5] R. Crowley, *Works* (E.E.T.S.), 41, 87.
[6] T. Lever, *Sermons*, ed. E. Arber (1870), 29.
[7] *Letters and Papers Henry VIII.* ix. 244.
[8] T. Starkey, *A Dialogue between Cardinal Pole and Thomas Lupset* (E.E.T.S.), 93, 177.

All these various factors combined together to bring about the great agrarian development of the sixteenth century.

Effects of the agrarian revolution.

We have now to trace the course of the movement by which pasture land was substituted for corn-fields, and to form some estimate as to the nature of its effects upon the economic and social life of England. It will be convenient to group the principal changes under four heads, according as they affected (1) the demesne and leasehold, (2) the freehold, (3) the copyhold and (4) the commons.

I. On the demesne and leasehold.

I. *The Demesne.*—When the lord retained the manor in his immediate ownership and worked it through a bailiff, the justification for converting it into a sheep-run was at least more apparent than in other circumstances, for this would not involve the eviction of tenants. "The duke of Buckingham at Brystwyke in the East Riding converted a hundred acres of demesne from arable into pasture, and no house or plough was on that account put down" (*prosternitur*) [1]. On the other hand, it reduced the demand for agricultural labour, and deprived of employment those who earned a livelihood by working upon the large farms. In this way it depopulated the village by withdrawing from rural wage-earners their means of subsistence. Moreover, where the lord's demesne was still composed of strips scattered among those of his tenants, it is difficult to see how enclosure was carried out without disturbing the traditional arrangements of open field husbandry, the customary course of cultivation and the villagers' rights of common over the arable. "Understand", says Fitzherbert [2], "whether the demesne lands lie in the common fields . . . among other men's lands, or in the fields by themselves", and this implies that the demesne and peasant holdings were still often interlaced. We know at any rate that the monasteries sometimes had the whole of their arable land dispersed over the open fields [3], and we have also sure evidence that their successors were inspired by no tender regard for the rights of others. The injury inflicted upon the agricultural

[1] *Trans. Royal Hist. Soc.* N.S. vi. 177 (from the returns of 1517).
[2] *Surveyinge*, c. 2.
[3] Savine, *English Monasteries*, 181.

labourers when the demesne was converted into a sheep-run, raised the fundamental question whether the lord was morally justified in turning his land to whatever use he considered best for his own interests. The economic theory of the Middle Ages had subordinated the interest of the individual to the welfare of the community, and mediaeval morality was no less binding on the lord than on his tenants. But the older conceptions of right and wrong were breaking down, and in their stead grew up the conviction that a man might do with his own as he would. "As for turning poor men out of their holds", cried Gilpin[1], "they take it for no offence, but say the land is their own". More stress began to be laid upon the rights of ownership than upon its duties. Land came to be regarded purely as a source of wealth, and its real relation to the community was utterly obscured. Common law placed no legal obstacle in the way of the lords, but though the legality of their action was not called into question, its morality was unsparingly denounced.

In the great multitude of cases, however, the lord had already abandoned the mediaeval system of direct cultivation of the demesne, and preferred to lease it to tenants. Not only the demesne, but also land reclaimed from the waste, and customary holdings which had escheated to the lord after the Black Death, were let on a lease, sometimes for one or more generations, sometimes for a term of years, and sometimes at the lord's will. Where land was thus held on a lease the tenant would be evicted when the indenture expired, the villages were depopulated, the inhabitants rooted in the soil for generations were sent adrift (*inhabitantes lacrimose recesserunt*)[2], their houses destroyed or allowed to decay, and the land turned into a sheep-run. There was nothing to restrain the lord from tightening his grip upon the soil at the promptings of economic interests.[3] An

[1] Strype, ii. 441 (*temp.* Edw. VI.).

[2] *Trans. Royal Hist. Soc.* N.S. vi. 179.

[3] According to the statement in Pauli, *Drei volksw. Denkschr.* 55, "commonly in all places rich farmers be the keepers of such ground that is laid to pasture," *i.e.* the agrarian changes were accomplished not by the lords but by wealthy graziers to whom they rented the land, sanctioning the change. Cf. also Tawney, *Agrarian Problem*, 201 (and *n.* 1).

example of an overbearing landlord is given by Leland. "Edward, Duke of Buckingham, made a fair park hard by the castle and took much fair ground in it very fruitful of corn, now fair lands for coursing. The inhabitants cursed the duke for these lands so enclosed". Another park was enlarged from one to six miles, "not without many curses of the poor tenants"[1].

The monasteries.

The monasteries were great landowners, and it is necessary therefore to distinguish between land owned by lay lords and land in ecclesiastical ownership. The actual area of monastic property cannot easily be determined, though its income has been estimated at a hundred thousand pounds[2]. Nine-tenths of this rural landed revenue were drawn from the rents of tenants—copyholders, freeholders, leaseholders and tenants-at-will. The rest was derived from land retained by the monks in their own hands as a home farm. The extent of monastic demesne was thus very considerable, and implies that on the eve of the dissolution a great quantity of land was immediately controlled and farmed by ecclesiastical owners. It is difficult to define with certainty the attitude of the monasteries towards their tenants. The returns for the Commission of 1517 are insufficient to form the basis of any trustworthy generalizations. Sir Thomas More[3] declares they were drawn into the movement, and that certain abbots among them, "holy men no doubt", left "no ground for tillage". On the other hand, Becon[4] tells us that "the cloisters kept hospitality, let out their farms at a reasonable price, nourished schools, brought up youth in good letters", while their successors "did none of these things". His testimony is borne out by other writers, and Brinklow asserts (1542) that "but for the faith's sake . . . it had been more profitable no doubt for the commonwealth that they had remained still in their hands. For why? They never enhanced their rents nor took so cruel fines as do our temporal tyrants"[5]. This is the evidence of men

[1] Leland, *Itinerary*, v. 100.

[2] Savine, *English Monasteries*, 140, 147. The gross temporal income from *all* sources amounted to £120,000.

[3] More, *Utopia*, ed. E. Arber (1869), 41.

[4] T. Becon, "Jewel of Joy", in *Works* (Parker Soc. Pub.), 435.

[5] H. Brinklow, *Complaynt of Roderyck Mors* (E.E.T.S.), 9.

who were strongly in favour of the Reformation, and may be accepted as all the more impartial.

Their conservative attitude.

It is worth while to notice that More wrote about 1515 before the monasteries were dissolved, and the monastic houses are also attacked in other pre-Reformation writings, for example, in William Roy's *Rede me and be nott wrothe* (*c.* 1527) and in *A Proper Dyaloge betwene a Gentillman and a Husbandman* (1530)[1]. On the other hand, Becon, Lever and Brinklow wrote after the dissolution when the monasteries, whatever their conduct had been, shone by comparison with their successors. Another piece of evidence supports the conclusion that on the whole the monks were not deeply implicated in the agrarian revolution, as recent writers often maintain. We should expect to find indications of a general conversion of arable to pasture, if anywhere, on the lands retained by the monastic establishments in their immediate ownership. But, on the contrary, the extent of the arable on the demesne appears scarcely less than the extent of the pasture[2]. The monks had every inducement to swim with the tide and become sheep-farmers. Grazing was more profitable and involved less outlay than tillage; above all, the monasteries lived in daily fear of dissolution and would be tempted to seek for immediate returns on their capital. In the light of these considerations we may well agree that the figures of monastic tillage are eloquent[3]. The government recognized the danger that monastic property might fall into unscrupulous hands, and the act of 1536[4] which dissolved the monasteries forbade conversion to pasture. But legislation was powerless to stem the tide of change.

> "We have shut away all cloisters,
> but still we keep extortioners;
> We have taken their lands for their abuse,
> but we have converted them to a worse use"[5].

"Those goods", said Lever, "which did serve to the

[1] *Ballads from Manuscripts* (Ballad Soc. Pub.), i. 16, 20.
[2] Savine, *English Monasteries*, 177-178.
[3] *Ibid.*
[4] *Statutes*, iii. 578.
[5] "Vox Populi Vox Dei", in *Ballads from MSS.* i. 139.

relief of the poor, the maintenance of learning, and to comfortable, necessary hospitality in the commonwealth, be now turned to maintain worldly, wicked, covetous ambition"[1]. The holders of monastic property were even charged with extorting from their tenants their copies and leases, pretending that by virtue of the king's sale of the property "all our former writings are void and of none effect"[2]. Hence the dissolution of the monasteries greatly accelerated the agrarian changes, and large areas of land passed into the hands of private owners who were generally absentees, and showed but little regard for local custom and tradition. This explains the increased invective against sheep-farming which marks the reign of Edward VI.

II. *Freehold.*

II. *Freehold.*—Land in the occupation of freeholders was protected by common law from any encroachment on the part of the lord. They enjoyed complete legal security, and could neither be turned adrift from their holdings nor subjected to rack-rents and arbitrary fines. To all appearance they were in a position to reap for themselves the full benefit derived from a more progressive husbandry, and to exploit the soil directly in their own interests. The changes which the sixteenth century witnessed in the general level of prices must have served to increase their prosperity, and enable them the more successfully to withstand the economic pressure to which the competition of large capitalist farmers would tend to expose them. Their superior legal status made them also the natural champions of the villagers in the struggle for the commons, and they were able to demand a hearing in the king's court as their inherited right, and not by virtue of a belated and humanitarian concession. Even among the freeholders, however, enclosures were possible in one of two ways. In some cases they exchanged and consolidated their strips to form compact holdings[3]. At other times it is probable that a practice which was common in the seventeenth century was sometimes adopted a century

[1] Lever, *op. cit.* 32.

[2] "A Supplication of the Poore Commons", in *Four Supplications* (E.E.T.S.), 80.

[3] In the returns for 1517 it is sometimes definitely stated that the enclosure was the work of the tenant: *Trans. Royal Hist. Soc.* N.S. vi. 177.

earlier, and the lord bought out his tenants' interests in order to extend his pastures.

III. *Customary Tenants.*—In the legal classification of English rural society the customary tenants were grouped together as a single homogeneous body, distinguished alike from the freeholders with their permanently secure tenure on the one hand, and from the leaseholders with their temporarily secure tenure on the other. In the period that is before us, the economic historian cannot afford to regard these distinctions as the artificial discriminations of the lawyers, which lie beyond his own province. While the agricultural revolution of the sixteenth century was in process, legal considerations were largely the determining factor in the situation. The wealthiest tenant who was suddenly confronted with eviction and beggary had occasion to envy the poorest freeholder, who eked out a scanty subsistence from his handful of acres, but had managed to retain his economic independence. In a movement which swept away the barriers imposed by manorial custom and divorced large numbers of the English peasantry from the soil, fixity of tenure, the validity of the title by which a man held his land, was often all that lay between him and destitution. *III. Copyhold.*

The legal position of the copyholders during the period of the agrarian changes has been much disputed. In the thirteenth century tenants in villeinage were not protected in the king's court, and could be evicted from their holdings at the will of the lord. Their tenements were secured to them not by common law, the law of the land, but by custom, the law of the locality, which was binding upon the lord only when there was no serious inducement to disregard it. But the process which superseded predial services by money rents transformed the villein, whose land was held by oral tradition (*custom*), into a copyholder, whose title depended upon the written testimony (*copy*) of the roll of the manor. Ultimately the copyholders came to acquire complete legal security in the common law courts, but controversy has arisen as to their situation during the fifteenth and sixteenth centuries. The issue involved is whether the customary tenants, who comprised the most important element in the *Legal position of copyholders.*

rural population, were able to fortify their resistance to manorial aggression by an appeal to national justice, or whether they continued to rely solely upon the custom of the manor to withstand the invasion of the new economic tendencies. Two divergent opinions have been expressed, and the contrast between them will serve to place in a clearer light the points at variance. One view[1] holds that "the legal rights of the copyholders were such as to enable them to weather the storm"; customary tenants in the strict sense of the term were not evicted because they were entitled to the protection of the common law courts. An alternative view[2] is that "the mass of the customary tenants had at the beginning of the period no legal security", and were liable to be dispossessed by their lords without any infringement of common law. But the problem is more complex than these summary statements might lead us to infer, and several points need consideration.

Classes of customary tenants.

To begin with, some reliance has been placed upon certain famous decisions pronounced by two judges in the time of Edward IV. In 1482 Chief Justice Brian declared that "his opinion hath always been, and ever shall be, that if such tenant by custom paying his services be ejected by the lord, he shall have an action of trespass against him". Danby, another Chief Justice, also agreed that the "tenant by the custom is as well inheritor to have his land according to the custom, as he which hath a freehold at the common law". These opinions of Yorkist judges have been regarded as political judgments inspired by hostility to the landowners, and therefore allowed by the early Tudors to fall into abeyance until the reign of Elizabeth. But in any case it is sufficient to observe that these words were not written by Littleton, in whose text they appear, but were interpolated in a subsequent edition (1530) by the editor[3]; accordingly they cannot be taken as evidence of fifteenth-century practice. On the other hand, we cannot deny to all customary tenants

[1] I. S. Leadam in *Trans. Royal Hist. Soc.* N.S. vi. 262 *et passim*; and *English Hist. Review*, viii. 684 *seq.*

[2] *English Hist. Review*, viii. 294 *seq.*; Ashley, *Economic History*, ii. 274.

[3] *Ibid.* ii. 279. A. Savine, "English Customary Tenure", in *Quarterly Journal of Economics*, xix. 46.

without exception some measure of legal security, for there is evidence that some among them were not excluded from a hearing in the national courts in their struggle against arbitrary eviction. There were in fact three classes of customary tenants, those who held land by inheritance, or for life, or for a term of years; and the term copyhold thus covers a variety of meanings. Now in every case where the copyhold did not pass from father to son it reverted at intervals to the lord, and he could resume occupation without a breach either of manorial practice or common law. In this way a large part of the estate gradually fell back into the lord's hands, and became part and parcel of the demesne. Hence it follows that customary land, when held by tenants for a fixed period, was always liable to be taken from them whenever their term expired. But the genuine copyholder, the successor of a long line of tenants holding ancient customary land, was in a different position and managed to obtain some measure of legal protection. The Court of Chancery was the pioneer in this direction, and there are cases of its intervention on behalf of the copyholder as early as the fourteenth[1] century, though they become more numerous in the fifteenth[2]. Thus the copyholders, while excluded from the common law courts, were able to seek redress in the equity courts and bring a suit against the lord for the recovery of their tenements. The importance of Chancery jurisdiction at this early date in alleviating the condition of an oppressed copyholder may not have been great; it is difficult to suppose that complainants were invariably successful in attracting the attention of the royal court, but it served at any rate to pave the way for action by the Tudor law courts. In the sixteenth century the Star Chamber and Court of Requests became prominently identified with the conflicts between the lord and his customary tenants, and lawsuits over estates of copyhold were of frequent occurrence. Another indication that copyhold afforded the tenant some measure of security is furnished by

[1] Savine, *op. cit.* 63.

[2] Savine, "Copyhold Cases in the Early Chancery Proceedings", in *English Hist. Review*, xvii. 296 *seq.*

the fact that the owners of abbey lands sometimes sought to compel their tenants to surrender their copies, pretending that on account of the dissolution "all our former writings are void and of none effect"[1]. One of the cases in the Court of Requests concerned the proceedings of a landlord who "by compulsion, threatenings and other sinister and unlawful means hath gotten into his hands many copies of court rolls", and in return gave leases for short terms of years, "greatly raising and enhancing the rents"[2].

Degree of security possessed by copy-holders.

But while it is clear that tenants who held by the custom of the manor were not exposed to a state of complete legal insecurity, we cannot postulate a condition of "ample and effective protection". When the tenants of Thingden[3] carried on their famous and interminable lawsuit for nearly half a century, pursuing the lord of the manor through every court in the land, we may admire the courage with which they confronted their lord, but we must hesitate to say whether their confidence was born of 'legal security'[4] or 'legal ignorance'[5]. On the whole there seems to be good ground for denying the democratic tendencies which have been attributed to the Star Chamber and to the court which bore the honourable appellation of "The Court of Poor Men's Causes" (Court of Requests). The position in fact is summed up in the statement that the Tudor courts sought "to restore the custom, not to mend it"[6]. They interfered between the lord and his tenants, but only where the lord was violating the custom of the manor. They came to the rescue of a decaying custom which was fast losing its hold over the lord and his tenants alike. They insisted that the lord should abide by the immemorial practice of his own courts, but they denied to the tenants any rights which they could not claim by the traditional usage of their own community. It seems at any rate certain that the Tudor monarchy, working through its creations—an indefatigable and all-pervading privy council and its judicial offshoots—

[1] *A Supplication of the Poore Commons*, 80.
[2] *Select Cases in the Court of Requests*, 65.
[3] *Select Cases in the Star Chamber*, ii. p. lix. (1494–1538).
[4] *Ibid.* [5] Savine, *Quarterly Journal of Economics*, xix. 75.
[6] *Ibid.* 69 *et passim.*

did not venture to set aside or ride rough-shod over seigniorial rights and admit customary tenants to their complete protection; the tenant must first be able to prove that the lord had disturbed 'the reign of custom'. But this fact raises wide issues; if the courts of law would only interfere to protect the genuine copyhold, a new situation was thereby called into existence. The interest of the problem is shifted from the question whether the copyholder had legal remedy to the question what constitutes a perfect copyhold. The struggle in the law courts would be fought out over conflicting interpretations of manorial custom and tenant right. Two main difficulties may be indicated: was the copyhold an estate of inheritance, and was the copyhold one of customary land, or one of demesne or waste? It was not always easy to determine the nature of the estate, nor to draw a line between land that was part of the original *villenagium* and land that was carved out of the demesne or the waste, which was not regarded as true copyhold. Here were the materials for endless litigation, in the midst of which the position of the copyholder would tend to be extremely precarious. The law could be invoked by the copyholder with an incontestable title who could establish a clear infringement of custom, but when we bear in mind that copyholds were not all of one kind, we must recognize the probability that many customary tenants were submerged in the torrent which carried away large numbers of the English peasantry from their land. This conclusion is strengthened by the fact that fines of admission to the copyhold might be variable [1], even apparently where the copyhold was of inheritance. Hence the lord would often be able to compel a new tenant to surrender his holding by imposing a fine beyond the tenant's capacity to pay. Lastly, whatever the legal position even of the genuine copyholders, we must not assume that law and custom invariably reigned supreme. The sixteenth century was a hard age, and an overbearing and tyrannical landlord might sometimes venture upon acts which had not come universally to be recognized as definitely illegal. In any case he would be

[1] *Infra*, p. 148.

tempted to repose trust in the maxim which now obtained currency: "matters be ended as they be friended" [1].

IV. *The commons.*

IV. *The Commons.*—Attention has already been drawn to the vital importance of the common waste in primitive economy. It was an integral element in the fabric of rural society and the indispensable basis of the mediaeval system of husbandry. As Latimer [2] pointed out, the ploughman needed cattle and therefore pasture, "and pasture they cannot have, if the land be taken in and enclosed from them". Not only was it impossible for the villager to till his fields unless he could feed his cattle, but the loss of common rights was also a hardship for the small cottars who derived a precarious livelihood as best they could—some as squatters upon the waste—and to them the deprivation of the commons meant literally destitution. "There be many a thousand cottagers in England", wrote Hales [3], "which have no lands to live of their own but their hand-labour, some refreshing upon the commons". But the waste offered a perpetual temptation to the lord to extend the size of his demesne by increasing the area of land under cultivation. This temptation became irresistible when the development of sheep-farming created an inordinate land-hunger. The Statute of Merton offered no adequate protection for reasons already assigned [4], and the enclosure of the commons by the lords became an outstanding feature of the agrarian revolution [5]. "*The greatest grief*", observed Lever [6], "*that hath been unto the people of this realm, hath been the enclosing of commons*". In some cases an agreement was drawn up between the landlord and his tenants providing for a fair and equitable division of the waste. On the Norfolk estates of King's College, Cambridge, the waste was enclosed by agreement between the tenants and the lords of the manor [7]. But

[1] Starkey, *Dialogue*, 86.

[2] Latimer, *Sermons* (Parker Soc. Pub.), i. 249.

[3] *Discourse*, 49.

[4] *Supra*, p. 73.

[5] Mr. Johnson (*Disappearance of the Small Landowner*, 40) holds that "the enclosing of the sixteenth century was for the most part . . . the enclosing of the common open field, not of the waste or commons", but cf. the evidence cited in the text.

[6] *Sermons*, 39.

[7] W. J. Corbett, "Elizabethan Village Surveys", in *Trans. Royal Hist. Soc.* N.S. xi. 83. The date is 1599.

there is every reason to believe that high-handed and oppressive proceedings were the order of the day. The words of Bernard Gilpin, "Never were there so many gentlemen and so little gentleness", come home with special force in the light of an incident which occurred at Wootton Basset, a town in Wiltshire. The lord of the manor seized into his hands no less than nineteen hundred acres of common land, and left the townsmen to content themselves with a bare hundred. His successor wrested from them even the few acres which they had been allowed to retain, and involved them in lawsuits which ruined one tenant and impoverished many others [1]. There is little doubt that the enclosure of commons was a widespread evil. We have already cited the evidence of Lever, and Philip Stubs declares in his *Anatomy of Abuses* that landlords "take in and inclose commons, moors, heaths and other common pastures, whereon the poor commonalty were wont to have all their forage and feeding for their cattle, and (which is more) corn for themselves to live upon" [2]. In addition we have the evidence of Becon [3] that the poor people were not able to keep a cow "for the comfort of them and of their poor family", as well as the testimony of Hales [4] and Edward VI. himself [5].

Contemporary opinion:

The agrarian revolution was the most important event in the social history of the sixteenth century. It attracted the attention of contemporaries for more than two generations and awakened a storm that swept over the land like a hurricane. How deeply the transformation of rural life affected the imaginations of men can best be gauged from a study of the popular literature, and it is only by abundant illustrations from the writers of the day that we may learn to appreciate the intensity of passion which stirred the nation.

(1) Foremost among the social effects produced by the

[1] Tawney, *Agrarian Problem*, 251 (*n.* 2).
[2] *Ballads from MSS.* i. 31.
[3] *Works*, 432.
[4] *Discourse*, 49 *et passim*.
[5] G. Burnet, *History of the Reformation* (ed. N. Pocock, 1865), v. 100, 101, 339. Thus the Council of the North was instructed to inquire into the "wrongful taking in and enclosing of commons". See also Trigge's "Petition" (1604) in *Ballads from MSS.* i. 35; Crowley, *Works*, 144; Strype, ii. 439; *Select Cases in the Court of Requests*, 63. The enclosure of commons was the cause of Kett's revolt.

(1) *Depopulation.* growth of sheep-farming was depopulation, which might result in one of three ways: eviction, curtailment of agricultural employment, or usurpation of the commons. This made a deep impression upon the popular mind, and was regarded as the fundamental evil to be apprehended from the spread of grazing. The enormous quantity of sheep called forth on every side indignant protests. "God gave the earth to men to inhabit", said Tyndale [1], "and not unto sheep and wild deer". Bastard wrote [2]:

> "Sheep have eaten up our meadows and our downs,
> Our corn, our wood, whole villages and towns".

It attracted the marked attention of foreigners. "They have", observed a Venetian [3] (*c.* 1500), "an enormous number of sheep". Polydore Vergil in a description of England went so far as to assert that "of Englishmen more are graziers and masters of cattle than husbandmen or labourers in tilling of the field" [4]. The development of pasturage at the expense of tillage involved depopulation of villages. "Where", cried Latimer [5] in a sermon preached before Edward VI., "have been a great many householders and inhabitants, there is now but a shepherd and his dog". "These enclosures", said a satirist [6], "be the causes why rich men eat up poor men, as beasts do eat grass". More denounced the graziers as "covetous and insatiable cormorants". "Sheep", he said in a memorable passage, "have become devourers of men . . . they unpeople villages and towns". We get occasional glimpses of actual depopulation. At Newnham there were expelled "seventeen score men, women and children, all upon one day" [7]. A letter addressed by the vicar of Quinton to the president of Magdalen College about the end of the fifteenth century

[1] W. Tyndale, *Doctrinal Treatises* (Parker Soc. Pub.), 202.
[2] T. Bastard, *Chrestoleros* (Spenser Soc. Pub.), 90.
[3] *Italian Relation of England* (Camd. Soc. Pub.), 10.
[4] Polydore Vergil, *English History* (Camd. Soc. Pub.), i. 5.
[5] *Sermons*, i. 100. [6] Stubs in *Ballads from MSS.* i. 32.
[7] E. F. Gay, "The Midland Revolt", in *Trans. Royal Hist. Soc.* N.S. xviii. 223 (*n.* 1). For Stretton Baskerville see W. Dugdale, *Antiquities of Warwickshire* (ed. 1730), i. 51. Cf. also "John Bayker's Letter to Henry VIII." in F. Aydelotte, *Elizabethan Rogues and Vagabonds* (1913), p. 145.

prayed him to "remember the welfare of our Church of Quinton, and the support of our poor town which falls fast in decay and near to the point of destruction, except ye stand good lord and turn more favourable to your tenants, for your housing goes down; twenty marks will not set up again [all] that is fallen within these four years" [1].

Engrossing of farms.

These passages afford concrete illustrations which bring home more forcibly to our minds the conditions depicted in the words of Thomas Starkey (*c.* 1538). "There is no man," he observed, "but he seeth the great enclosing in every part of arable land; and whereas was corn and fruitful tillage, now nothing is but pastures and plains, by the reason whereof many villages and towns are in few days ruined and decayed" [2]. Preachers quoted the words of Isaiah: "Woe unto them that join house to house, that lay field to field . . . that they may be placed alone in the midst of the earth". Becon tells how when men "have gotten many houses and tenements into their hands, yea whole townships, they suffer the houses to fall into utter ruin and decay; so that by this means whole townships are become desolate and like unto a wilderness, no man dwelling there, except it be the shepherd and his dog" [3]. The engrossing of farms was indeed one of the great evils against which the government vainly legislated. A petition addressed to Henry VIII. in 1514 alleged that farmers had "obtained and encroached into their hands ten, twelve, fourteen, or sixteen farms" [4]. This is confirmed by another writer: "The rich worldlings join farm to farm and heave other men out of their livings" [5]. A popular proverb crystallized popular experience in one short and pregnant sentence: "Enclosures make fat beasts and lean poor people". "I have heard", said a writer, "of an old prophecy, that 'Horn and thorn shall make England forlorn'. Enclosers verify this by their sheep and hedges at this day. They kill poor men's hearts by taking from them their ancient

[1] Denton, *England in the Fifteenth Century*, 318. [2] *Dialogue*, 96.
[3] *Works*, 434. [4] *Ballads from MSS.* i. 101.
[5] Becon, Preface to "The Fortress of the Faithful", in *Works*, 590.

commons, to make sheep pasture of"[1]. A ballad of the time ran:

"The towns go down, the land decays . . .
Great men maketh nowadays
a sheep-cote in the church. . . .
Commons to close and keep;
Poor folk for bread cry and weep;
Towns pulled down to pasture sheep;
this is the new guise!"[2]

(2) Rise in rents.

(2) Another result of the agrarian changes was the rise in rents, and where the tenant was not actually evicted from his holding he was rendered liable to rack-rents. Crowley asserts that rents were raised "some double, some triple, and some fourfold to that they were within these twelve years last past"[3]. Nor was the charge mere rhetoric; according to a statement made in the Court of Requests, a merchant of London, who had obtained lands in Whitby after the dissolution, more than doubled the rents of his new tenants[4]. When the land was enclosed for purposes of cultivation the lord might fairly expect to benefit by the improvements. Moreover, where the tenant was a grazier the lord could advance a more legitimate claim to a share in the profits. But a great outcry arose when the landlords, while refraining from actual participation in sheep-farming, took advantage of the great demand for land to extort from the tenants higher rents and heavy fines for the renewal of their tenancies, or turned them adrift in favour of those who were more willing or able to comply with their exactions. This pressed hardly upon the poorer tenant, who "dare not say nay, nor yet complain"[5], and who "two or three years ere his lease end must bow to his lord for a new lease, and must pinch it out many years before to heap money together"[6]. "At the vacation of his copy or indenture", says Crowley, the tenant "must pay welmost as much as

[1] Trigge's "Petition" (1604) in *Ballads from MSS.* i. 35.
[2] "Now A Dayes", in *ibid.* i. 97 (*temp.* Hen. VIII.). See also *Discourse*, 15, 48.
[3] "The Way to Wealth", in *Works*, 133.
[4] *Select Cases in the Court of Requests*, 200.
[5] Fitzherbert, *Surveyinge* (Prologue).
[6] G. Owen, *Description of Pembrokeshire*, *cit.* Cheyney, *Social Changes*, 45.

would purchase so much ground, or else void in haste, though he, his wife and children, should perish for lack of harbour"[1]. A biting epigram on the Rent-Raiser tells how

"A man that had lands
of ten pound by year,
Surveyed the same,
and let it out dear.
So that of ten pound
he made well a score
More pounds by the year
than other did before"[2].

Tyndale[3] appealed to the landlords to rest "content with their rent and old customs", and Latimer denounced their action with characteristic vigour. "You landlords, you rent-raisers, I may say you step-lords, you unnatural lords, you have for your possessions yearly too much. For that [which] herebefore went for twenty or forty pounds by year—which is an honest portion to be had gratis in one lordship of another man's sweat and labour—now is let for fifty or a hundred by year"[4]. Ground down by 'covetous lords'[5] who raised their rents or exacted excessive fines, the poor were compelled to throw up their holdings. It is significant that the Prayer for Landlords recites "that they, remembering themselves to be the tenants, may not rack and stretch out the rents of their houses and lands, nor yet take unreasonable fines and incomes after the manner of covetous worldlings"[6]. The ideal knight is represented in Robert Greene's *Quip for an Upstart Courtier* (1592), as one who "raiseth no rent, racketh no lands"[7].

The rise in rents was attributed by contemporary writers, as we have shown, to the avaricious greed with which the landlords flung themselves into the general scramble for wealth, and they were also held responsible for the dearth of

[1] Crowley, *Works*, 166.
[2] *Ibid.* 46.
[3] *Doctrinal Treatises*, 201.
[4] *Sermons*, i. 98.
[5] W. Forrest, *Pleasaunt Poesye of Princelie Practise* (E.E.T.S.), p. lxxxix.
[6] Becon, "Prayers", in *Works*, 24.
[7] *Ballads from MSS.* i. 146.

corn and provisions[1]. Accordingly the expedient was proposed that commissioners should be appointed to value farms, and fix their rents "as they were let at forty years agone"[2]. It is true that the new nobility, created out of the spoils of the abbey lands, were to all appearance not very scrupulous in their treatment of the old tenantry; and Hales may have had the rich upstarts in mind when he used the bitter words: "Is it not a pitiful hearing . . . that man which was ordained of God to be a comfort for man . . . is now clean changed and is become a wolf, a devourer and consumer of men?"[3] None the less it is difficult to believe that everywhere the minds of men became perverted by the new opportunities of acquiring wealth, or that the foundations of morality and just dealing between landlord and tenant were suddenly undermined. In the first place, changes in the currency were effecting a great revolution in the general level of prices. The value of money was depreciated, partly on account of the debasement of the coinage, and at a later period[4] owing to the influx of precious metals from the Peruvian mines. The extent of the debasement may be gauged from the fact that while in the early years of Henry VIII.'s reign 18 dwts. of alloy were reckoned to 11 oz. 2 dwts. of silver, in 1544 there were 6 oz. of alloy to 6 oz. of silver, and in 1551 there were 9 oz. of alloy to 3 oz. of silver[5]. A ballad written during the Protectorate of Somerset told how

> "This coin by alteration
> Hath brought this desolation,
> Which is not yet all known,
> What mischief it hath sown"[6].

The author of the *Discourse of the Common Weal*, written about 1549, accurately traced 'the source and original

[1] Brinklow, *Roderyck Mors*, 12; Starkey, *Dialogue*, 175; Forrest, *Pleasaunt Poesye*, p. xcv.

[2] Forrest, *op. cit.* p. xcvii. [3] Strype, ii. App. Q, 50.

[4] Tawney, *Agrarian Problem*, 309, would seem seriously to ante-date the period when "American silver upset all traditional standards of payment." [5] R. Ruding, *Annals of Coinage* (1840), i. 310, 320.

[6] "Vox Populi, Vox Dei", in *Ballads from MSS.* i. 136.

cause' of the dearth to the debasement of the currency. But the fall in the value of silver is not the only explanation of the rise in rents, for the enhanced price of land had attracted attention before Henry began to debase the coinage. "Another [thing] there is", wrote Thomas Starkey about 1538, "which few men observe, which is the enhancing of rents of late days induced", and he complains of the dearth "which is among us reigning"[1]. One important cause of the rise, apart from changes in currency, was perceived by Lever in a sermon, "Made in the Shroudes in Poules". He told the farmers, with the outspoken directness of his generation, that "to get your neighbour's farm ye will offer and desire them to take bribes, fines and rents, more than they look for or than you yourselves be well able to pay"[2].

The position of the landlords.

It would throw considerable light upon the problem, if we could determine how far the rise in rents may be attributed to the avarice of the landlords and the free play of commercial forces, and how far it was really forced upon the landlords in self-protection on account of the changes in prices. This much at least is clear: the landlords were confronted with the alternative of raising the rents of their tenants, or contenting themselves with an income which no longer corresponded with its nominal value. How seriously they were affected by the debasement of the currency may be gauged from a statement made by the privy council in explanation of its failure to raise money for the recovery of Calais. "The noblemen and gentlemen for the most part receiving no more rent than they were wont to receive, *and paying thrice as much for everything they provide, by reason of the baseness of the money*, are not able to do as they have done in times past"[3]. The situation, in fact, as it presented itself to a sixteenth-century landlord who had no desire to exploit his tenantry unfairly, was more complex than at first sight may appear. Under the circumstances the best solution perhaps would have been to raise rents all round, in such a way as to maintain the landlord's income

[1] *Dialogue*, 175. [2] *Sermons*, 37.
[3] Burnet, *History of the Reformation*, v. 491.

exactly at its old rate of purchasing power, and to apportion the burden equitably among his tenants. But this solution was impossible. The most numerous class of landholders were copyholders and leaseholders, and their rents could only be touched when copyholds and leaseholds came to an end. The expiration of indentures, however, would only occur at irregular and infrequent intervals, and whenever it did happen their holders bore the whole brunt of the lord's demands. Moreover, in a great many cases rents were fixed, and it was beyond the lord's power to increase them. Here the copyholder enjoyed an unearned increment, since his rent remained stationary in spite of the fall in the value of money and the consequent rise in the value of land. On the manor of Wilburton a virgate worth seven pounds paid one pound [1], and there is abundant evidence that customary rents continued during the sixteenth century. The failure of the landlord to intercept the surplus value in the shape of an enhanced rent compelled him to adopt more drastic expedients. Every copyholder upon his entry to the holding paid an admission fine, and on two manors out of every three, fines were uncertain [2]. This enabled the landlord to capitalize the increment and levy the whole sum as the price of admission. But it was obviously less of a hardship for a tenant to pay an increased rent based upon an estimate of the real value of the holding, than to be confronted with demands which must often have been practically prohibitive. An example of arbitrary fines comes from the manor of Thingden [3], where the lord extorted a fine of thirty shillings upon copyhold of which the yearly rent was five or six shillings, that is, an equivalent of five years' rent. Not until 1781 [4], it would seem, was the legal rule established that two years' rent was the common law maximum of an uncertain fine, though this was one of the demands put forward in the Pilgrimage of Grace.[5] Hence the result was brought about that a system devised

[1] *English Hist. Review*, ix. 436.

[2] Of the manors investigated by Dr. Savine the fine was certain on 28 manors and uncertain on 58: *Quarterly Journal of Economics*, xix. 53.

[3] *Select Cases in the Star Chamber*, ii. 17.

[4] *Ibid.* ii. p. lxiv. [5] *Letters and Papers Henry VIII.* xi. 507.

in the interest of the tenants[1] really turned to their disadvantage. This curious circumstance can best be explained on the ground that the protection afforded by custom was only partial, and it is the fate of half-measures to injure the interests they are designed to serve. In fact the combination of fixed rents and arbitrary fines tied the lord's hands in the direction where economic pressure could perhaps have been best justified, and gave him unlimited power in the direction where economic pressure was bound to be ruinous. Accordingly the statement that "the effects of limited duration and arbitrary admittance payments were, to a large extent, counterbalanced by the fixity of customary rents"[2] needs perhaps to be reversed; the protection afforded by an immovable rent was greatly diminished when accompanied by the liability to a variable fine.

(3) *Pauperism.*

(3) The consolidation of farms, the displacement of the peasants from their holdings, the exaction of rack-rents and excessive fines, the curtailment of the commons, all contributed to foster the rapid growth of pauperism. "There were no rates for the poor even in my grandfather's days", wrote the historian of Wiltshire[3] (*c.* 1550). "Since the Reformation and Enclosures these parts have swarmed with poor people. . . . Enclosures are for the private, not for the public good". Roger Ascham declared in a letter to the Protector Somerset that the life which now so many lived was not life but misery[4]. Strype cites a sermon preached by Bernard Gilpin before Edward VI.: "Thousands in England beg now from door to door who have kept honest houses"[5]. A familiar sheep tract asked, "Whither shall they go? Forth from shire to shire, and to be scattered thus abroad . . . and for lack of masters, by compulsion driven, some of them to beg and some to steal"[6]. The alarming increase in the numbers of the poor was viewed

[1] R. Lennard, "Custom and Change in Sixteenth-Century England", in *English Hist. Review*, xxviii. 745 *seq.*
[2] Savine, *op. cit.* 55.
[3] Aubrey, *History of Wiltshire*, *cit.* T. E. Scrutton, *Commons and Common Fields* (1887), 99.
[4] Cheyney, *Social Changes*, 68.
[5] Strype, ii. 441.
[6] "Certayne Causes", in *Four Supplications*, 98.

with the liveliest concern. "Whereas now London, being one of the flowers of the world as touching worldly riches, hath so many, yea innumerable of poor people forced to go from door to door and to sit openly in the streets a begging, and many, not able to do for other, but lie in their houses in most grievous pains and die for lack of aid of the rich, to the great shame of thee, O London!"[1] Those who were suddenly thrust out of their employment were reduced to wander "from door to door and ask their alms for God's sake. And because they will not beg, some of them do steal and then they be hanged, and thus the realm doth decay"[2]. Crowley also wrote in a similar strain: "If the sturdy fall to stealing and robbing, then are you the causers thereof, for you dig in, enclose, and withhold from them the earth out of the which they should dig and plough their living"[3]. At the same time, the dissolution of the monasteries aggravated the evils inseparable from all periods of transition by flinging upon the country-side the multitude of beggars whom in the past they had succoured. The institution of a national system of poor relief became an imperative need; religious and voluntary agencies were no longer able to cope with the situation, but broke down completely before the advancing tide of pauperism. While many circumstances contributed to the spread of destitution in the sixteenth century, the revolutionary changes which were taking place in the organization of rural society introduced a new and ominous factor. There was much suffering and misery in the Middle Ages[4], but to all appearances the labour market was not overstocked, and there was generally employment to be found for those who were able and willing to work. After the Black Death there was a notable rise in wages, in accordance with the principle laid down by Cobden: when

[1] H. Brinklow, *The Lamentacyon of a Christian agaynst the cyte of London* (E.E.T.S.), 90. The date is 1545. Cf. Stubs, "Anatomy of Abuses," in *Ballads*, i. 32.

[2] *Certayne Causes*, 102.

[3] *Works*, 164. Cf. Starkey, *Dialogue*, 89: "In no country of Christendom, for the number of people, you shall find so many beggars as be here in England, and more now than have been before time."

[4] In 1263 the number of poor coming to Westminster to the feast of St. Edward was estimated at a hundred thousand, which would appear greatly exaggerated: *Patent Rolls*, 1258–1266, p. 282.

two employers run after one man wages rise, when two men run after one employer wages fall. But in the sixteenth century there was a superfluity of agricultural labour, and society was now confronted with a problem for which it has still to find a satisfactory solution, the problem of the unemployed.

(4) *Insurrections.*

(4) The social discontent of the sixteenth century found vent in numerous riots and insurrections. "I think", said the Doctor in the *Discourse of the Common Weal*, that enclosures are "the most occasion . . . of these wild and unhappy uproars amongst us. . . . Hunger is a bitter thing to bear. Wherefore, when they lack, they must murmur against them that have plenty, and so stir up these tumults"[1]. In London[2] and other towns[3] the citizens took the law into their own hands, though unlawful assemblies to pluck down hedges were forbidden by proclamation[4]. It is uncertain to what extent the rebellions of the period were due to the enclosing movement. The uprising in the west of England under Edward VI. was brought about by the religious discontent, though the Bristol chronicler attributes it in part to enclosures[5]. The men of Cornwall and Devon rejected the First Book of Common Prayer; the use of the liturgy in the vernacular was no boon to men to whom the English tongue was stranger than the old traditional phrases. The revolt in the eastern counties, on the other hand, was provoked by the enclosure of the commons. The Oak of Reformation under which Kett the Tanner dispensed justice symbolized the reformation not of church, but of state[6]. In the list of grievances drawn up by the insurgents there is no reference to the conversion of arable into pasture, and the grievance upon which they fastened is the enclosure of the common waste. "We pray your grace", ran their petition, "that no lord of no manor shall common upon the

[1] *Discourse*, 48-49. [2] R. Holinshed, *Chronicles* (1808), iii. 599.
[3] *Adams's Chronicle of Bristol* (ed. F. F. Fox, 1910), 99; *Leet Book of Coventry*, ii. 574 *seq.*
[4] Crawford, *Catalogue of Tudor and Stuart Proclamations* (1910), i. 36 (1549). Similarly, *Acts of the Privy Council*, 1552–4, p. 377 (1553).
[5] *Adams's Chronicle*, 100: "to have their old religion restored again *as well as the enclosures*".
[6] Rapin, *History of England* (ed. 1733), ii. 16.

commons"[1]. The attempt to exclude the lord from rights of common, and to confine them to freeholders and copyholders, measures the full force of the reaction against the landowner's encroachments upon the common lands. The causes of the Pilgrimage of Grace are more difficult to ascertain, because a variety of motives were at work. The leaders were hostile to Henry VIII.'s counsellors and sought to reverse the religious changes which they had initiated. Robert Aske in his examination declared that "the suppression of the abbeys was the greatest cause of the insurrection"; he "did grudge" against the dissolution of the monasteries "because the abbeys in the north parts gave great alms to poor men and laudably served God"; whereas now not only did the poor lack "meat, cloth and wages", but travellers and strangers also suffered, "for none was in these parts denied, neither horse-meat nor man's meat"[2]. But economic grievances were unquestionably a factor in the situation. The rebels would be largely recruited from the ranks of evicted tenants[3], who would be easily induced to impute their economic degradation to the religious crisis. Order was taken for the "casting down of enclosers of commons"[4], and among other demands the insurgents sought (1) that the statute for enclosures and intacks should be executed, and all enclosures and intacks made since 1489 should be pulled down; (2) that certain lands in the north of England should be held by tenant right, the lord to receive as admission fine a 'gressom' not exceeding two years' rent[5]. We need not speak in detail of the minor insurrections. There was a rising in Lincolnshire in 1536, and again in Buckinghamshire in 1552. Local disturbances continued during the reign of Elizabeth[6], and though not serious in

[1] The petition is printed in Russell, *Kett's Rebellion*, 48, and in J. Clayton, *Robert Kett and the Norfolk Rising* (1911), App. III.

[2] M. Bateson, "The Pilgrimage of Grace," in *English Hist. Review*, v. 558, 561. But Dr. Savine's researches seem to show that the extent of monastic charity and hospitality has been exaggerated: *English Monasteries*, 227, 241, 265.

[3] A. F. Pollard, *Henry VIII.* (1905), 352.

[4] *English Hist. Review*, v. 339.

[5] *Letters and Papers Henry VIII.* xi. 507.

[6] *Trans. Royal Hist. Soc.* N.S. xviii. 214; Tawney, *Agrarian Problem*, 320.

character they serve to indicate the direction in which the tide of social changes was still flowing.

Agrarian policy of the Tudors.

While the agrarian changes were in progress the government did not remain indifferent to the social unrest, and measures of reform were attempted. It was an essential feature of Tudor policy to foster the prosperity of the yeomanry, from whose ranks were recruited the defenders of the realm. The husbandmen were recognized as "the body and the stay" [1] of the kingdom, and they made the best infantry when "bred not in a servile or indigent fashion, but in some free and plentiful manner" [2] just as fishermen made the best seamen. Sheep-farming, on the other hand, meant "great decay to artillery, for that do we reckon that shepherds be but ill archers" [3]. If the depopulation of the country-side went on unchecked, there would come to pass "a mere solitude and utter desolation to the whole realm, furnished only with sheep and shepherds instead of good men; whereby it might be a prey to our enemies that first would set upon it" [4]. The act on behalf of the Isle of Wight laid particular stress upon the dangers of foreign attack: "If hasty remedy be not provided that Isle cannot be long kept and defended, but open and ready to the hands of the king's enemies" [5]. Henry VIII. from fear of invasion found it necessary to build many "castles and bulwarks" on the coast, and was driven to employ mercenaries [6]. The realm, observed a royal proclamation against enclosures in 1548, "must be defended against the enemy with force of men and the multitude of true subjects, not with flocks of sheep and droves of beasts" [7]. Apart from the fears of foreign invasion, which was seriously apprehended during the sixteenth century, depopulation also involved a diminution of taxes and subsidies, for "the more gentlemen", says Bacon, "ever the lower books of subsidies" [8]. The universities and schools shared in the prevailing social and economic dislocation, for the yeomanry, according to Latimer, were "not able to put their sons to school, as indeed

[1] *Vox Populi, Vox Dei.*
[2] Bacon, *Works*, vi. 95.
[3] *Certayne Causes*, 100.
[4] *Discourse*, 52.
[5] *Statutes*, ii. 540.
[6] Strype, ii. App. Q, 50.
[7] *Ibid.* ii. 93.
[8] *Infra*, p. 521.

Universities do wondrously decay already" [1]. The *Supplication of the Poore Commons* also complains that they could not send their children to school, because they must labour to help to pay the rent [2].

Tudor legislation.

The first general statute passed in restraint of sheep-farming was in 1489; it recited the evils arising from the destruction of farm-houses and the conversion of cultivated land into pasture [3]. This was followed in 1515 by an act which ordered that within one year all land converted to pasture should be restored to tillage; subsequently the statute was made perpetual [4]. The act of 1515 would doubtless have shared the fate of its predecessors, if supplementary steps had not been taken to confirm it. Of all Tudor statesmen, Wolsey and Somerset were the only agrarian reformers who made a really serious effort to extirpate the evils arising from sheep-farming. In 1517 Wolsey appointed a Commission to inquire into all enclosures which had taken place since 1488. Offenders were impleaded in Chancery and compelled to enter into recognizances to destroy their hedges [5]. Further acts [6] were passed in 1534 and 1536, and repeated proclamations reiterated the injunction to lay open all enclosed lands, throw down hedges, and occupy but one or two farms at the most [7]. The fear of an insurrection, which eventually did break out, induced the government to appoint a fresh Commission in 1548. Somerset, who deserves recognition as a social reformer, lent all the weight of his authority and active sympathy to the Commission. "Maugre the devil", he declared, "private profit, self-love, money and such-like the devil's instruments, it shall go forward" [8]. It was the policy of Thorough applied to a better cause. The instructions of the Commissioners were to make inquiry what villages and hamlets had decayed as a result of enclosures into pastures since the opening years of Henry VII.'s reign;

[1] *Sermons*, i. 102.
[2] *Four Supplications*, 80.
[3] *Statutes*, ii. 542.
[4] *Ibid.* iii. 127, 176.
[5] *Tudor and Stuart Proclamations*, i. Nos. 106, 107.
[6] *Statutes*, iii. 451 (no one was to keep more than 2000 sheep or to hold more than two farms); *ibid.* iii. 553.
[7] *Tudor and Stuart Proclamations*, i. Nos. 103, 111, 115, 333 and 352. The dates are respectively 1526, 1528, 1529 and 1548.
[8] A. F. Pollard, *England under Protector Somerset* (1900), 232.

how many persons kept two thousand sheep or more, what common lands had been seized into private hands and whether the grantees of abbey lands maintained as much land in cultivation as was kept before the suppression[1]. The leading spirit of the Commission was John Hales, and his 'charge' or opening address sums up in an effective manner the policy of the government. In words recalling the doctrine of Ruskin that the only real wealth is life, he said: "The force and puissance of the realm consisteth not only in riches, but chiefly in the multitude of people. But . . . where there were in few years ten or twelve thousand people, there be now scarce four thousand"[2].

How far effective.

The question how far the legislation of the Tudors[3] was effective is a difficult one. On the whole our impression is that, while not altogether ineffective, it was yet powerless to stem the current of agrarian changes. In 1548 the government confessed that its measures had not "wrought the effect that was hoped should follow"[4]. "Let the preacher", cried Latimer despairingly, "preach till his tongue be worn to the stump, nothing is amended. We have good statutes made for the commonwealth as touching commoners and enclosers, *but in the end of the matter there cometh nothing forth*"[5]. And again: "There have been many good laws", Hales reminded the Commission in his 'exhortation', "made for the maintenance of houses and husbandry and tillage"[6], but all to no purpose. It has been regarded as "one of the strongest forms of testimony to the strength of the social movement . . . that it could advance to its completion notwithstanding the steady opposition of the strong Tudor monarchy"[7]. This is doubtless true, but the explanation lies in the fact that the vigour of Tudor administration depended upon the loyalty and good-will of the justices of the peace, the pivot of their local government.

[1] *Tudor and Stuart Proclamations*, i. No. 359; Strype, ii. App. Q, 55.
[2] *Ibid.* ii. App. Q, 54.
[3] Other acts prior to the accession of Elizabeth are *Statutes*, iv. part i. 134, 269 (1552 and 1555). Commissions were also appointed in 1566 and 1607. The returns for 1548 and 1566 are few: *Quarterly Journal of Economics*, xvii. 577.
[4] Strype, ii. App. P, 47.
[5] *Sermons*, i. 101.
[6] Strype, ii. App. Q, 49.
[7] Cheyney, *Social Changes*, 85.

The justices, however, were the very men whose interests were so closely identified with the agricultural revolution. They displayed unstinted energy in executing the stacks of statutes piled upon their shoulders, penal laws against recusants, measures to relieve pauperism, regulation of wages and prices. But the Tudors were powerless to carry out a policy which was unacceptable to the middle classes; their strength was also their weakness and there were definite limitations to their authority. This seems to have been recognized, at any rate by Edward VI. "Those men", he shrewdly remarks, "should be put from being justices of the peace that be touched or blotted with those vices that be against these new laws to be established; for no man that is in fault himself, can punish another for the same offence" [1]. The Commissions appointed by Wolsey and Somerset were bitterly resented by the landowners, and their hostility to the agrarian policy of the two statesmen was among the factors which contributed to bring about their overthrow [2]. The Protector, even when confronted with the rebellion in Norfolk, was anxious to solve the social problem on broad and sympathetic lines. "I have heard in deep secret", wrote the Imperial Ambassador to his master in 1549, "that the Protector declared to the Council as his opinion, that the peasants' demands were fair and just; for the poor people who had no land to graze their cattle ought to retain the commons and the lands that had always been public property, and the noble and the rich ought not to seize and add them to their parks and possessions" [3]. But Somerset was ruined by his rival and successor, Warwick, who was himself deeply implicated in the enclosing movement [4] and threw all the weight of his powerful influence on the side of the landowners. Moreover, men who were bent on defying the law found evasion easy. It was futile to curtail the number of sheep which a grazier might keep, when "some to colour the multitude of their sheep father

[1] Burnet, *History of the Reformation*, v. 102.

[2] One of the charges against Wolsey was that he had sought "to execute the statute of enclosing": *Letters and Papers Henry VIII.* iv. part iii. p. 2555.

[3] *Cal. of State Papers Spanish*, ix. 395.

[4] Strype, ii. 96.

them on their children, kinsfolk and servants"[1]. The penalties against the conversion of arable to pasture could apparently be evaded by the simple expedient of driving a single furrow across the field. Again when the Commissioners sought to collect evidence, every obstacle was placed in their path, and Hales in his Defence states that some had their servants sworn upon the juries, "and as I have learnt since, it is not possible in any of the shires where we were, to make a jury without them, such is the multitude of retainers and hangers on"[2]. Landlords brought pressure to bear upon their tenants, and threatened to turn them out of their holdings if they presented the truth. Thus in 1517 the constable of Ascot in Oxfordshire with three husbandmen complained to the Court of Requests that they had been bidden, "after right high and cruel manner, to avoid their farms and tenantries to their undoing"[3]. The fundamental error of Tudor statesmanship was the failure to give the English peasant a clear legal title to his holding. This alone could have checked depopulation, saved the commons, and spared rural society intense suffering and misery. So long as the landlords were allowed to retain their legal rights, all expedients to protect the tenantry were sheer palliatives. Somerset showed the sincerity of his motives by taking steps to safeguard his own tenants from expulsion[4]. In the alternative the best proposal was put forward by the author of the *Discourse of the Common Weal*. Hales recognized that the current legal devices were powerless to stem the tide. "It were hard to make a law therein, so many as have profit by that matter resisting it. And if such a law were made, yet men . . . would defraud the law". His remedy was "to make the profit of the plough to be as good, rate for rate, as the profit of the graziers and sheep-masters". This was to be done by prohibiting the export of wool and permitting the export of corn. He appealed to man's self-interest, for every man would seek "where most advantage is"; accordingly he advised that the profit of corn-growing should be increased, and that of

[1] Strype, ii. App. Q, 57. [2] Appendix (p. lix.) to the *Discourse*.
[3] *Trans. Royal Hist. Soc.* N.S. xviii. 224. [4] *Statutes*, iv. part i. 54.

grazing diminished. Otherwise, "the pasture shall ever encroach upon the tillage, for all the laws that ever can be made to the contrary"[1].

Value of contemporary opinion.

We have endeavoured to depict the agrarian changes of the sixteenth century in the light in which they appeared to contemporaries. It is equally necessary to observe that if we interpreted literally contemporary statements, we should form an exaggerated estimate of the economic crisis brought about by the agricultural revolution. It would be a mistake to minimise its importance, for the innovations engendered by sheep-farming were unquestionably of a sweeping nature. The eviction of tenants, the decay of farm-houses, the increase in pauperism were sober realities. Tudor legislation, the work of men who were not easily moved by sentiment or mastered by an overpowering concern for social welfare, as well as the unanimous views of the most diverse writers, More, Lever, Crowley, and the evidence of countless pamphlets of every description, are decisive in their proof that rural society was deeply affected. But the difficulty with which we are now confronted is to determine more exactly to what extent rural society was affected, and how much reliance we are to place upon the literary evidence. This much may be ventured: the literature of the period must be read with the extremest caution. It has indeed many fine qualities, for in its outspoken protest against economic oppression it breathes the spirit which moved Hesiod of old, and is slowly beginning to permeate our own generation. Its weakness is that its writers were apt to be carried away by their own rhetoric, while their scientific equipment was of the slenderest.

Its exaggeration.

To begin with, both the rapidity and the extent of the agrarian changes were often much exaggerated. In a well-known tract written about 1550, entitled *Certayne Causes gathered together wherein is shewed the decaye of England, only by the great multitude of shepe*[2], the writer asserts that there were "towns and villages to the number of fifty thousand and upward, and for every town and village—

[1] *Discourse*, 50, 53 *seq.*

[2] *Four Supplications*, 101.

take them one with another throughout all—there is one plough decayed since the first year of the reign of King Henry the Seventh". Upon this basis it is argued that 300,000 people had been thrown upon the country. These figures are not without interest because they represent a popular estimate, but they are obviously worthless and afford a wholesome warning against any reliance upon contemporary statistics. Another writer tells us that sheep-farming had destroyed four or five hundred villages in the midland counties[1]. Fortunately we have a more trustworthy source of evidence in the returns of the two Commissions held in 1517 and 1607. The former covers twenty-four counties and the latter six in the Midlands, the chief centre of the enclosing movement, but both are very incomplete, and this must be taken into account in drawing any deductions from them. Of the whole area comprised in the twenty-four counties the acreage affected in 1517, after no less than thirty-two years of change, was about a half per cent. or one acre in every two hundred; the proportion for the six counties in 1607 after twenty-nine years of enclosure was 2.53. On the basis of the information gathered by the two inquisitions, Professor Gay has conjectured that the percentage of the total area enclosed for sheep-farming between 1455 and 1607 was 2.76, or about half a million acres[2]. Now even if ample allowance is made for a large margin of error and these figures are doubled, they would still serve to show that the movement, while general throughout the country, was not so far-reaching as the statements made by contemporaries would incline us to suppose. We need not charge them with wilful misrepresentation in order to account for the sweeping assertions in which they sometimes indulged. Society seemed in men's eyes to be drifting away from its traditional moorings into a welter of chaos and social anarchy, and they were naturally led to exaggerate the importance of changes which involved so sudden a breach with the old order.

[1] "A Treatise concerning the Staple", in Pauli, *Drei volksw. Denkschr.* 26.

[2] E. F. Gay, "Inclosures in England in the Sixteenth Century," in *Quarterly Journal of Economics*, xvii. 581, 586-587; "The Midland Revolt", in *Trans. Royal Hist. Soc.* N.S. xviii. 233.

Real gravity of the agrarian movement.

These statistics lend colour to the view that contemporary writers drew an exaggerated picture of the actual condition of affairs; in any case they certainly serve as a check upon the imagination. But we may easily fall into the opposite error of minimising the real gravity of the movement. In the first place, the returns made by the Commissioners were collected in the teeth of bitter opposition, and there is reason to believe that they fell considerably short. A more serious defect is that we are not told what proportion of land actually under cultivation was affected by the enclosing movement; it is not enough merely to know the proportion of enclosed land to the total acreage of the county. This consideration is all the more important when we bear in mind the great extent of forests and waste. Every manor had a large area of waste, and forests[1] covered much ground in certain counties. Again, social statistics and percentages, while their value is indisputable, may sometimes tend to obscure a true perspective of the social and economic situation. The inhabitants of a whole village might be turned adrift, and the suffering and general dislocation entailed by their eviction would be very inadequately expressed in the statement that a handful of acres out of every two hundred in the county had been enclosed, or a handful of families out of every hundred reduced to poverty. On the whole, however, one or two conclusions may be hazarded. There is every reason to believe that the agrarian changes of the sixteenth century inflicted intense hardships and often actual destitution upon the population of many rural districts. The accounts given by contemporaries were as a rule not fanciful, but represented a condition of affairs that can be supported by unmistakable evidence. On the other hand, they exaggerated the extent of the enclosing movement; they regarded as normal, occurrences which were after all only occasional. Taking the country as a whole, the agricultural revolution affected a smaller area than is usually supposed. At the end of the sixteenth century England was still a land of open fields and common waste, and in the next century the movement continued in certain parts of the country on an

[1] *E.g.* see Leland, *Itinerary*, *passim*.

extensive scale. We can no longer hold that the common fields were, speaking generally, "undisturbed for a century and a half" (1600–1760) [1]; the seventeenth century, it is now recognized, was not "a period of repose" [2].

Moderating circumstances.

Two other considerations merit attention. The growth of the textile industries would disclose opportunities of employment to many who were cut adrift from the soil. One famous clothier of the fifteenth century, John Tame, kept large flocks of sheep at Fairford, and the wool produced there was worked up in his manufactory at Cirencester [3]. The undoubted increase in vagrancy and destitution during the Tudor period forbids us to lay too much stress upon the openings provided by the cloth trade. Still, we may suppose that the development of grazing would have its compensations in the districts where it was most stimulated, namely, where the woollen industry was established, and could absorb some of those who were thrown out of employment. The agrarian changes were spread over a considerable period of time, and rendered it more possible for those affected to find alternative means of subsistence. It must not be assumed that the corn-growing districts where the textile industries were least developed, and where enclosures called forth the chief disturbances, were those in which the movement was necessarily advancing most rapidly. The

[1] Ashley, *Economic History*, ii. 286. Nor can we hold that "about 1530 the movement somewhat slackened". Some of the later decades seem to be periods of not less "precipitate change" than the earlier decades. For the geographical distribution of the enclosing movement, see map in Johnson, *Disappearance of the Small Landowner*, 164 (based on Gay's tables in the *Quarterly Journal of Economics*, xvii.), and also *Geographical Journal*, xxix.

[2] In 1607 a proclamation announced that "the king is not unmindful of the abuse of enclosures and of the loss he suffers by depopulation": *Tudor and Stuart Proclamations*, i. No. 1042. Ballads continued to denounce enclosures and "you gentlemen that rack your rents and throw down land for corn": C. H. Firth, "Ballad History of James I.", in *Trans. Royal Hist. Soc.* 3rd ser. v. 34-36. Similarly, *The Roxburghe Ballads*, i. 114. The ballad of the "Northern Beggar Boy" (*c.* 1635) contains the lines:

> "My fields lie open as the high way,
> I wrong not the country by greedy enclosing".

On the Midland Revolt (1607), see Gay in *Trans. Royal Hist. Soc.* N.S. xviii. On seventeenth-century enclosures, see Leonard, *ibid.* xix., and Gonner, *Common Land and Inclosure*, bk. ii. sect. ii.

[3] *Journal of the British Archæol. Association*, xxvii. 118.

greatest outcry came from the Midlands, yet at the close of the seventeenth century these counties were less enclosed than many other counties in England[1]. We may perhaps infer that pasture farming excited most protest where opportunities of industrial employment were most restricted; that on this account the government was forced to take more active steps to protect the population, and so the movement really made less progress here than elsewhere. Hence the extent of the opposition aroused by enclosures may serve to measure the tardiness rather than the rapidity of the agrarian changes; where other sources of livelihood were rarest, popular clamour would be most insistent and most effective. Again, there was to all appearance no appreciable scarcity of corn or other provisions, in spite of the limitation of the corn-growing area. Complaints were sometimes raised that "all manner of victuals hath been dear" (1529), and that "sheep and sheep-masters doth cause scarcity of corn" (1550)[2], and a proclamation complained of the dearth of provisions in 1551[3]. It was also said that prices had risen; but apparently this was due to the debasement of the currency. It is probable that the curtailment of the arable land was balanced by the increased quantity of crops raised on the enclosed farms where cultivation was now pursued with more skill and initiative. Moreover, the fortunate succession of favourable seasons[4] helped to tide over the evils associated with all periods of transition.

[1] *Trans. Royal Hist. Soc.* xix. 103. Of Northamptonshire, "the incloser's county, *par excellence*", it was said in 1712 that "the main body of the country is champaign" (open field): *Quarterly Journal of Economics*, xvii. 595.

[2] *Ballads from MSS.* i. 18 (1529); *Certayne Causes*, 95 (1550).

[3] *Tudor and Stuart Proclamations*, i. No. 397.

[4] *Discourse*, 52.

CHAPTER V

THE GROWTH OF TOWNS

The agricultural element in town-life.

In the Middle Ages industry and commerce played a subordinate part in the economic life of the English people. The wealth of England lay in her fields, not in her workshops or factories, and the great mass of the nation followed the plough and were tillers of the soil. The typical figures of mediaeval society were the knight and the husbandman rather than the artisan and the trader, and while many towns attained prosperity, the agricultural element was always present and often predominant[1]. At the end of the thirteenth century half the inhabitants of Colchester had no other occupation than tillage[2], and everywhere the ordinary pursuits of urban life were made secondary to the more important needs of agriculture. At London the holding of the Husting court was suspended in the harvest[3], and a statute of 1388 laid down that all artificers of whose craft "a man hath no great need in harvest-time shall be compelled to serve in harvest, to cut, gather and bring in the corn"[4]. As late as the sixteenth century the weavers of Norwich were forbidden to work at their craft during the harvest month "for the relief and help of husbandry", since tillage was said to be "much decayed for want of labourers"[5]. The sharp cleavage between town and country, in some respects the most striking feature of modern economic conditions, is in fact the product of industrial forces which exerted but slight pressure in earlier times. For centuries

[1] F. W. Maitland, *Township and Borough* (1898), 8; C. Gross, *Gild Merchant* (1890), i. 4 (*n.* 1). [2] *Vict. County Hist. Essex*, ii. 329.
[3] *De Antiquis Legibus Liber*, ed. T. Stapleton (1846) 207. [4] *Statutes*, ii. 56.
[5] *Records of Norwich*, ed. W. Hudson and J. C. Tingey, ii. 377 (1511); 134 (1560).

English towns were scarcely more than large-sized villages, and their pre-eminence consisted chiefly in the fortified walls or mound, behind which the inhabitants found shelter and security; beyond these walls lay the broad acres and open fields, the meadows and pastures, that were part and parcel of the townsmen's heritage. In the map of the mediaeval borough and in the economy of the mediaeval burghers, the town-fields occupied a place no less important than the restricted area where stood their houses and shops. At Leicester[1] the space within the circuit of the walls covered a hundred and thirty acres, while without it was almost thirty times the number. This explains the importance attached to the annual perambulation of the city boundaries[2], for the right to pasture cattle on the town meadows constituted a valuable appurtenance to the rights of citizenship. The Survey of 1086 records that "all the burgesses of Oxford have common of pasture without the wall", and to this day freemen are still entitled to send their cattle to Port Meadow[3]. At Northampton a bye-law of 1553 enacted "that no man shall keep more for his franchise than three beasts upon the commons in all"; and in other towns also it was forbidden to overstock the commons[4]. Indeed, throughout the Middle Ages the urban community never completely lost its rural characteristics. The offices of pinder, cowherd, hogherd and herdsman[5] survived even in the sixteenth century among the institutions of town-life, and repeated injunctions were necessary to prevent stray cattle from wandering about the streets[6]. The importance of the

[1] *Records of Leicester*, i. p. xi.

[2] *Coventry Leet Book*, i. 45, iv. 821; N. Bacon, *Annals of Ipswich* (1884), 108.

[3] J. Parker, *Early History of Oxford* (1885), 300.

[4] *Records of Northampton*, i. 253-254, ii. 215; *Southampton Court Leet Records*, ed. F. J. C. and D. M. Hearnshaw (1905), 39-40; *Leet Jurisdiction in Norwich*, ed. W. Hudson (1892), 92.

[5] *Records of Northampton*, ii. 215; *Records of Leicester*, iii. 123; *Red Paper Book of Colchester*, ed. W. G. Benham (1902), 132.

[6] The list of towns where this regulation is found shows how extensively agricultural life persisted in urban centres: *Coventry Leet Book*, i. 27; *Records of Leicester*, ii. 103; *Records of Oxford*, ed. W. H. Turner (1880), 109, 132; *York Memorandum Book*, ed. M. Sellers (1912), i. 18; *Memorials of London*, ed. H. T. Riley (1868), 20; *Records of Norwich*, ii. 205; *Oak Book of Southampton*, ed. P. Studer (1910), i. 53; V. Green, *History of Worcester*, (1796) ii. App. lxvii.

agricultural element in the borough community was signally shown during the agrarian revolution, when the townsmen rose in defence of their commons. At London in 1513, according to the account given by Holinshed, "the citizens of London finding themselves grieved with the enclosures of the common fields about Islington, Hoxton, Shoreditch and other places near to the city . . . assembled themselves on a morning and went with spades and shovels unto the same fields, and there (like diligent workmen) so bestirred themselves that within a short space all the hedges about those towns were cast down and the ditches filled. The king's council coming to the Grey Friars to understand what was meant by this doing were so answered by the mayor and council of the city that the matter was dissembled: and so when the workmen had done their work, they came home in quiet manner, and the fields were never after hedged"[1]. For many years Coventry was torn by dissensions over the control of the common lands. Inflammatory verses were nailed on the minster door:

"The city is bond that should be free,
The right is holden fro the commonalty,
Our commons that at Lammas open should be cast
They be closed in and hedged full fast"[2].

Towns of Roman Britain.

The early history of English towns is extremely obscure. During the Roman occupation municipal life attained some degree of importance, and Colchester, Lincoln, Gloucester, York and St. Albans (Verulamium) became prominent. The first four were *coloniae*, the fifth a *municipium*, and they enjoyed a privileged status. To these we may add a number of 'country towns', the capitals of Celtic cantons, Winchester, Canterbury, Silchester, Leicester, Rochester and Cirencester, but all were comparatively small, and London alone appears to have been of any real consequence[3]. Altogether at least thirty[4] towns flourished in different parts of the country,

[1] Holinshed, *Chronicles* (1808), iii. 599. Similarly at Bristol: *Adams's Chronicle of Bristol*, 99. [2] *Coventry Leet Book*, ii. 577.

[3] F. Haverfield, in Mommsen, *Provinces of the Roman Empire*, ii. App. 153, and in *Cambridge Mediaeval History*, i. 373.

[4] Ch. Petit-Dutaillis, *Studies Supplementary to Stubbs*, i. 72. For map of towns in Roman Britain, see Brown, *Arts in Early England*, i. 53.

but they never attained the distinction which attached to the municipalities of Gaul and other provinces of the Empire. Moreover, whatever their condition in earlier times, it is improbable that many survived the English Conquest, and to all appearance there was no continuity of development between the towns of Roman Britain and those of Saxon England[1]. The destruction which overtook the old Roman cities was brought about by neglect rather than by violence, for the fate of Anderida, as recorded in the *Chronicle*[2], was doubtless exceptional. None the less, "the very sites of cities", as Kemble has observed, "vanished from the memory as they had vanished from the eye"[3], and it has remained for modern investigators to bring to light municipalities formerly so important as Silchester and Uriconium[4]. Everywhere the towns were abandoned, and where not actually destroyed by fire they were left bare of inhabitants, a fate which for many years befell even London and Canterbury[5]. In the protracted struggle between the English invaders and the Celtic population, municipal institutions, the exotic product of an unstable civilization, were easily uprooted and swept away. But the cessation of town-life in England was necessarily only temporary. The inveterate hatred of the Britons whom they had displaced, and later the Danish incursions, induced the English to seek the safety that fortresses alone could afford in troubled times. In many cases they naturally turned to the old Roman cities, for the local advantages which had in the first instance recommended their sites to the Romans would be present to the minds of their successors, while their ruins furnished materials for the restoration of the walls. There is evidence that by the beginning of the seventh century[6] the Saxons were already utilizing the Roman walls of at any rate some towns; the walls of Colchester[7], originally a

[1] Sir L. Gomme, *The Making of London* (1912), 77, 92, contends that London derived its institutions from Roman sources.
[2] *Anglo-Saxon Chronicle*, A.D. 490.
[3] J. M. Kemble, *Saxons in England* (1876), ii. 297.
[4] J. R. Green, *The Making of England* (1897), i. 161.
[5] F. Haverfield, *Romanization of Roman Britain* (1912), 63.
[6] A. Ballard, *Domesday Boroughs* (1904), 104.
[7] E. L. Cutts, *Colchester* (1888), 1, 5, 33.

British stronghold and the first town to be built in Roman Britain, have retained a large part of the Roman masonry. At Winchester [1] coins and vases, utensils and masonry, still survive in proof of a Roman settlement, and doubtless its position at the junction of six roads helped to save it from complete neglect and oblivion. The influence of Christian missionaries also told in favour of the old urban centres, and the earliest bishops settled there [2], an indication that Roman towns were not completely destroyed by the Saxon Conquest.

Natural advantages.

Another group of towns rose on sites entirely unassociated with Roman or British traditions; they were purely English settlements which owed their importance to the natural advantages of their situation [3]. In early times the place where a river could be forded was of considerable importance, and Oxford [4], as the name indicates, grew where cattle-drovers could cross the stream with ease and safety. Cambridge [5], again, is situated where two roads meet, and its position on rising ground enabled it to control the passage of the river. Aylesbury also stands at the cross roads, and on this account its toll in Domesday Book was worth no less than ten pounds [6]. Bristol [7] sprang up at the point where the Avon was spanned by a bridge, and its prosperity was due to its harbour by which it became the greatest trading centre and seaport of the west, and the second town in England. Exeter [8], built on a hill, owed its prominence to the mouth of the Exe, which afforded anchorage for trading vessels and communication with the Channel. It stands, indeed, in a class by itself; it was a Roman city which apparently [9] preserved its life from the earliest days without any breach of continuity, for it did not pass into English possession until the

[1] G. W. Kitchin, *Winchester* (1890), 2.
[2] A. Ballard, *The English Borough in the Twelfth Century* (1914), 72.
[3] E. A. Freeman, *Exeter* (1887), 3.
[4] C. W. Boase, *Oxford* (1887), 1. On the derivation of the name Oxford, see Parker, *Early History of Oxford*, App. B.
[5] J. W. Clark, *Cambridge* (1890), 8.
[6] *Vict. County Hist. Buckinghamshire*, i. 222.
[7] W. Hunt, *Bristol* (1887), 1, 2, 5.
[8] Freeman, *Exeter*, 6.
[9] Haverfield, *Roman Britain*, 64.

violence of the Saxon Conquest had abated. The importance rapidly attained by the Cinque Ports [1] on the south-east coast is accounted for by their situation on the direct line of intercourse with the continent, and similarly the importance of Lincoln [2] is explained by its position on the Fosse Way, the high road between the north and the south. On the Severn [3], famous for its fisheries, rose Gloucester and Worcester, while Yarmouth, Grimsby and Scarborough were also havens of fishermen.

Churches and castles.

A third group of towns developed round monasteries and castles, under whose walls the townsfolk gained shelter and protection, and to the needs of whose inhabitants they ministered. Durham was the seat of an episcopal church, and other towns grew up at the gates of monasteries. We are told in Domesday Book, for instance, that ten traders dwelt "in front of the door of the church" at Abingdon [4], while St. Albans held forty-six burgesses, who were worth to the abbey in toll and other revenues an annual sum of nearly twelve pounds [5]. But the most notable example in Domesday of the way in which towns were growing up by the side of monastic houses to provide their wants is Bury St. Edmunds. It contained "bakers, ale-brewers, tailors, washerwomen, shoemakers, robe-makers, cooks, porters, and agents. *And all these daily wait upon the Saint, and the Abbot, and the Brethren*" [6]. There is no question that churches and famous shrines contributed to the development of town-life by bringing together large gatherings of pilgrims and disciples, dependents and traders. These influences were at work also in Scotland, where the church of St. Andrews attracted so many people that Queen Margaret erected dwellings on both sides of the Firth of Forth for the reception of pilgrims, and provided means for their gratuitous conveyance across the river [7]. At other times a royal castle or fortress formed the nucleus for a town settlement, and Domesday again affords an

[1] Freeman, *Exeter*, 3.
[2] K. Norgate, *England under the Angevin Kings* (1888), i. 38.
[3] *Ibid.* i. 35.
[4] *Domesday Book*, i. 58 *b*.
[5] *Ibid.* i. 135 *b*.
[6] *Ibid.* ii. 372.
[7] W. F. Skene, *Celtic Scotland* (1877), ii. 351.

example in Berkhampstead, where the count of Mortain had fifty-two burgesses, who rendered in toll four pounds[1]. The growth of towns by the side of castles is specially marked in Herefordshire[2], where the dangers of the border concentrated urban settlers round the walls of fortresses, and most of the Welsh boroughs are said to owe their origin to the castle[3]. In many cases, of course, a combination of forces must have operated. Stratford[4] developed round a monastery at the point where a Roman road led to a ford across the Avon, while the growth of Oxford was due not only to its ford but to the great monastic houses of St. Frideswide and Osney. Cambridge, apart from the advantages already enumerated, was situated immediately where the line of communication between the eastern counties and the Midlands crosses the river; it is also supposed to have been the site of a Roman town, and in any case apparently originated in the union of two distinct communities[5].

The 'garrison' theory.

There is still much controversy over one theory of the origin of towns known as the 'garrison' theory[6]. A large number of Domesday boroughs are characterized by what is termed 'tenurial heterogeneity'; their burgesses were not 'peers of a tenure', but held their land of different lords, and the houses in the borough were appurtenant to rural manors. Thus Chichester contained 142 houses attached to 44 manors, and Canterbury had 161 houses contributed by 11 manors[7]. The problem has arisen, how we are to explain this 'tenurial heterogeneity', and what was the nature of the tie which connected houses in a borough with particular rural properties. The solution has been found in the Domesday account of Oxford, where "the king has twenty mural houses", so called "because if need be, and the king command, they repair the town"[8].

[1] *Domesday Book*, i. 136 *b*.
[2] Round in *Vict. County Hist. Herefordshire*, i. 300, 306.
[3] E. A. Lewis, *The Mediaeval Boroughs of Snowdonia* (1912), 13.
[4] S. Lee, *Stratford-on-Avon* (1890), 10, 11, 12.
[5] Maitland, *Township and Borough*, 52.
[6] Maitland, *Domesday Book and Beyond*, 178 *et passim* (a section which grew out of an article in the *English Hist. Review*, xi. 13-19), and Ballard, *Domesday Boroughs*.
[7] Ballard, *op. cit.* 11, 17.
[8] *Domesday Book*, i. 154 *a*.

According to the 'garrison' theory, every shire had a fortified town to which the inhabitants repaired in times of emergency, and the duty of maintaining its fortifications was imposed upon all the landowners as part of their *trinoda necessitas* or military obligations. To avoid a summons at inconvenient seasons, some thegns, though not all [1], maintained houses in the county borough, and furnished them with retainers who were intended to discharge their lord's liabilities. This theory involves wide and interesting issues. The typical English borough, it would follow, did not develop out of the peace of the market-cross; it was not, in its origin, a centre of traffic where traders congregated to exchange their wares, but a fortified town serving military purposes. "The borough", says Maitland, "does not grow up spontaneously; it is made; it is 'wrought'; it is 'timbered'" [2]. Ultimately the military aspect of the borough came to be dominated by the commercial element; the county town as a fortified place with a mint and a court was the natural centre for traffic, and offered special inducements to the trader. Subsequently other boroughs were founded with similar institutions, but they differed widely from the older boroughs, since they were 'simple' boroughs whose inhabitants, united by tenurial homogeneity, shared the same lord between them.

An alternative explanation.

This theory has met with much criticism, but the alternative hypothesis is not free from difficulties, and the question must therefore be considered as still an open one. One objection raised against the 'garrison' theory is that some boroughs contained houses belonging to manors situated in another shire [3]. But these were border towns and would naturally be kept up by the adjoining counties [4]. Another criticism is that the number of burgesses appurtenant to a rural manor appears to bear no proportion to the value or extent of the manor. At Dunwich out of 316 burgesses no less than 80 were appendant to a

[1] Ballard, *op. cit.* 31. In Buckinghamshire only 8 landowners out of 57 had town houses.

[2] Maitland, *Domesday Book and Beyond*, 219.

[3] Ballard, *op. cit.* 17-18.

[4] Ballard, *English Borough in the Twelfth Century*, 67.

single manor at Ely[1]. This difficulty has been met by the contention that landowners built as many houses as possible on their allotted space within the town, in order to draw larger rents from their occupants[2]. In place of the 'garrison' theory, an alternative explanation has been put forward that the burgesses appurtenant to rural manors were country folk, who resided on the manor but purchased burgess rights in order to trade freely within the town. But the theory of non-resident burgesses fails to account for those houses in the boroughs from which rural manors were drawing rents, and which therefore must have been permanently occupied. Accordingly, it has been modified to admit "the possibility that some burgesses may have acquitted rural estates of burghal services"[3]. On the other hand, attention may be called to the fact that some houses in boroughs did actually serve as lodgings and storehouses for traders. London citizens carried their merchandise every week to markets out of London, at Henley and other places, where they had houses for purposes of storage[4]. This suggests that the tenurial heterogeneity of the 'composite' boroughs may find at any rate a partial explanation on commercial grounds.

Danish influences.

Whatever may have been the origin of towns, the Saxons regarded them, in the words of Tacitus[5], "as the defences of slavery and the graves of freedom", and preferred to live in the centre of their open fields. The growth of town-life in England was therefore largely stimulated by foreign influences, and among these the settlement of the Danes has the first place. The Danes recognized the importance of towns, not only as centres of trade, but as fortresses to keep in subjection a conquered and hostile population. Their supremacy in England rested on con-

[1] Tait in *English Hist. Review*, xiv. 345.

[2] Ballard, *English Borough*, 68; *English Hist. Review*, xxi. 708.

[3] For the discussion between Miss Bateson and Mr. Ballard, see *English Hist. Review*, xx. 143; *ibid.* xxi. 699, 709. See also Round in *Vict. County Hist. Surrey*, i. 286, and *Vict. County Hist. Herefordshire*, i. 297; and Tait in *English Hist. Review*, xii. 772, xiv. 345.

[4] *Liber Albus*, ed. H. T. Riley (1859), i. 428.

[5] Tacitus, *Historia*, iv. 64.

federated groups of towns[1], of which the most famous was that of the five boroughs of Derby, Lincoln, Leicester, Stamford and Nottingham; these towns dominated Mercia, and were distinguished for their administrative system[2], wealth and commercial importance. The lesson of the Danish invasion was not lost upon Alfred and his successors, and the reconquest of the Danelaw was accompanied at every step by a line of strongholds, which consolidated their advance, and planted in each district a nucleus round which the nascent town could slowly develop[3]. Moreover, the impetus which the Danish settlement gave to English foreign trade contributed to the progress of towns by affording a wider field for their enterprise. It is to Danish influences working in this way that we can trace the rise of Norwich[4], at one time the chief city in the eastern counties. At the Norman Conquest it possessed no less than twenty-four churches, while the number of burgesses was second only to that of London and York. Situated on a navigable river, the Yare, Norwich lay in the path of commercial intercourse with Northern Europe, and this combined with the settlement of Scandinavian traders to acquire for it wealth and importance.

Norman influences.

With the coming of the Normans a new page opened in the history of English towns, and the Conquest was followed by a rapid development of municipal institutions. Its immediate effects were commonly adverse, for houses were ruthlessly destroyed to make room for the feudal castle. Scarcely any town of importance would seem to have escaped partial destruction at the hands of the invaders, and the number of wasted dwellings was often considerable. At Cambridge 27 houses[5] were demolished; at Canterbury[6] 11 burgages were laid waste in making the city moat; at Northampton 24 out of 60 burgages are described as waste[7]; and even at Wallingford 8 houses were destroyed[8]. Ipswich

[1] J. J. A. Worsaae, *Danes and Norwegians* (1852), 31.
[2] H. M. Chadwick, *Studies on Anglo-Saxon Institutions* (1905), 225.
[3] The list is given in the *Anglo-Saxon Chronicle*, A.D. 910–924.
[4] Norgate, *England under the Angevin Kings*, i. 40.
[5] Clark, *Cambridge*, 13.
[6] *Domesday Book*, i. 2.
[7] *Ibid.* i. 219.
[8] *Ibid.* i. 56.

suffered severely. In the time of the Confessor 538 burgesses paid custom to the king; twenty years later there were only 210 burgesses, of whom 100 were so poor that they could only "render to the king's geld but one penny a head"[1]. But castle-building was not the only reason for the devastation which followed in the wake of the Conquest. At Lincoln 240 houses were 'waste', but while 166 "were destroyed on account of the castle, the remaining 74" were rendered waste "because of misfortune, poverty and ravage by fire"[2]. Again at Oxford the destruction of houses appears to have been partly due to the advent of the rebel army under Edwin and Morcar in 1065[3], while at Derby, where the number of burgesses was reduced from 243 to 140, no castle at all appears to have been built[4]. None the less the Norman Conquest constituted a decisive landmark in the development of towns; it established the royal power on a firm footing, and by checking the tendencies to feudal disruption it welded England into unity centuries before any country on the continent. William's resolute will enabled him to impress the stamp of his vigorous personality upon the turbulent forces which he successfully controlled. But the influence of any personality is necessarily evanescent, and would not alone have sufficed to extirpate the disintegrating elements in the feudal system. It was reserved for Henry I. to create the institutions and administrative framework which embodied the main contribution made by Norman rulers to the development of the English constitution. His systematic organization of justice and finance, and the establishment of a professional body of administrators from which feudal principles of government had been eliminated, enabled the Crown to extend its authority and make its pressure felt in every part of the country. If the strength and vigour of the central government prevented English towns from attaining the degree of independence shared by the great cities of the German and Italian leagues, it saved them on the other hand from a tumultuous and precarious existence. It afforded oppor-

[1] *Domesday Book*, ii. 290.
[2] *Ibid.* 200.
[3] Parker, *Early History of Oxford*, 234.
[4] *Vict. County Hist. Derbyshire*, i. 310.

tunities for unostentatious development and progress, in which quietly and without fear of their powerful neighbours they could turn all their energy and skill to building up their industrial and commercial resources.

Immigration.

The Conquest gave to English towns internal peace, the indispensable condition of their growth; its influence was also felt in more immediate and direct ways. It placed England and Normandy under a single ruler, and the closer relations with the continent which now ensued fostered commercial intercourse and facilitated municipal progress. The influx of aliens, whether merchants or artisans, contributed in the same direction. The biographer of Thomas Becket tells how "many natives of the chief Norman cities, Rouen and Caen, settled in London as the foremost town in England, because it was more suited for commerce and better stored with the goods in which they were accustomed to trade"[1]. Among these aliens was a citizen of Rouen, Gilbert, the father of Becket, who rose to the office of portreeve of London[2]; another stranger was Arnald of Cologne, whose grandson became an alderman[3]. Aliens also settled in other towns. Norwich contained 41 French burgesses[4], Southampton 65[5], and at Wallingford 22 houses were inhabited by Frenchmen[6]. This immigration movement had begun before the Norman Conquest, but it now received a great and permanent stimulus.

The customs of Breteuil.

In other directions also, we have evidence that Norman influences were at work in the making of the borough and in the development of the burghal community. The baronage of the Conquest founded new towns along the unsettled borders of Wales and endowed them with customs of French origin. They have been credited in fact with a definite scheme of town colonization, and even where their charters did not actually create a new borough, they attempted by lavish concessions to attract colonists and so develop centres already established. It is of considerable significance that the new settlers to all appearance were

[1] *Materials for the History of Thomas Becket* (Roll Series), iv. 81.
[2] *Ibid.* iii. 14.
[3] *De Antiquis Legibus Liber*, 37, 238.
[4] *Domesday Book*, ii. 118.
[5] *Ibid.* i. 52.
[6] *Ibid.* i. 56.

traders and artisans, for they received only a small portion of agricultural land[1]. In so far as we can trace the introduction of a definitely commercial and industrial element into the towns, we have evidence of a momentous transformation in the nature and composition of eleventh-century boroughs. At the same time Norman customs were also introduced into these towns, and we are told that the tenants-in-chief of the Conqueror worked with the set purpose of reproducing in English boroughs the privileges of the Norman town of Breteuil[2]. An attempt has been made to reconstruct the laws on whose pattern the Welsh border towns are supposed to have been modelled. But it is doubtful whether we can determine what customs were really derived from Breteuil. The uniform rent of a shilling, for example, levied upon all burgage tenements, irrespective of their size, need not necessarily have been taken from the customs of Breteuil, since it is also found in boroughs which had borrowed no Norman laws at all[3]. In any case, however, it still remains certain that a number of English towns were either founded by Normans or brought directly within the sphere of Norman influences. Where these towns did differ from the purely native boroughs was primarily, it would seem, in respect of the conditions of their tenure[4]. The essential feature of ordinary burgage tenure was its mobility, that is, the freedom of the burgess to devise, sell or otherwise alienate his tenement at will. Thus in a fourteenth-century charter burgage tenure is defined as the right of the burgess to sell, pledge or exchange his land without paying fine to the lord[5]. This element in the land law of English boroughs was, originally at any rate, unknown even to socage tenure, which seems to have had no power of alienation and only resembles burgage tenure in its comparative immunity from feudal incidents. Now this mobility of tenure was also absent from those boroughs

[1] *English Hist. Review*, xvi. 337 (see next note).

[2] M. Bateson, "Laws of Breteuil", in *English Hist. Review*, xv. 73, 302, 496, 754; *ibid.* xvi. 92, 332; *ibid.* xvii. 284.

[3] M. de W. Hemmeon, *Burgage Tenure in Mediaeval England* (1914), 170.

[4] *Ibid.* 171.

[5] *Charter Rolls*, iv. 425. The heir was to pay no relief or heriot, and the burgess was to pay 12d. yearly.

where foreign influences prevailed, and here there was no power either to sell or to devise landed property [1].

Organization of the early English borough.

The organization of the early English borough was in its main features comparatively uniform when contrasted with the complexity of the later municipality; it comprised a borough court and a reeve or *praepositus*. The reeve [2] controlled the administration of the town alike in its fiscal and military concerns; he gathered in the revenues due to the king, acted as official witness in all commercial transactions, and defended the town against attack. He was not, however, independent, but was responsible to the sheriff to whom he was subordinate. The court was the most important element in the constitution of the borough, which formed a separate jurisdictional unit independent of the hundred court. The contention has been advanced that originally the jurisdiction of the hundred court was not excluded from the borough. A law of Edgar [3] enacted that the borough moot should be held three times a year, but the hundred moot once a month; the disparity, it has been supposed, would have placed the burgesses at a disadvantage, if they were refused access to other courts [4]. But it is possible that, in addition to the three formal assemblies of the full borough court, a number of smaller meetings were held for the transaction of less important matters. Other legal enactments affecting towns relate to the institution of official witnesses [5] and the minting of money. In the tenth century every borough was allowed at least one mint, and a larger number was accorded to those distinguished by their wealth and importance. London had eight moneyers, and Winchester six; at Canterbury four belonged to the king, two to the archbishop, and one to the abbot [6]. The towns where Danish influences were strong show signs of a more elaborate organization; at Lincoln, Stamford and Cambridge were bodies of lawmen, who apparently enjoyed some measure of jurisdictional authority in the capacity of

[1] Hemmeon, *Burgage Tenure*, 4-5, 106, 171.

[2] Stubbs, *Constitutional History*, i. 102; Ballard, *Domesday Boroughs*, 47, 110.

[3] Liebermann, *Gesetze*, i. 202.

[4] Ballard, *op. cit.* 53, 121.

[5] *Infra*, p. 199.

[6] Kemble, *Saxons in England*, ii. 336.

legal assessors to the borough court[1]. Of the occupations of the burgesses at this period we have little direct knowledge, though the evidence of the Domesday Survey can be interpreted to show that many were engaged in trade. At Ipswich[2] 538 burghers held only 40 acres of land between them; the greater number must have been landless, and dependent for their livelihood on their craft or trade. There is fragmentary evidence also as to the existence of salt-works and lead-furnaces at Droitwich, of iron factories at Gloucester, and of shoemakers and drapers at Canterbury[3], while at Hereford six smiths were engaged in iron-working[4].

Constitutional progress.

The economic history of English towns after the Norman Conquest can scarcely be isolated from the story of their constitutional progress. Their efforts to attain independence and self-government are closely intertwined with their economic development, of which they were in part an effect, and in part a cause. The control which feudal law enabled mediaeval landowners to exercise over towns on their estates gave into their hands a powerful instrument for advancing or retarding, and in any case for benefiting by, the industry and enterprise of their subjects. At the same time the towns were constrained to acknowledge the political authority of the sheriff as the local representative of the royal power; and only gradually did they secure their emancipation from the one or the other.

Feudal claims.

The feudal claims were coeval with the origin of the town, for in the earliest stage of its growth the townsfolk were in the position of manorial tenants, and accordingly were burdened with the onerous obligations incidental to villeinage. They owed agricultural service in the field and suit of court and suit of mill. The rural services performed by the burgesses of Hereford are recorded in Domesday; every burgage within the city owed three days' reaping at Marden in August, and one day for gathering the hay wherever the sheriff thought fit[5]. Subsequently the burgesses commuted

[1] Ellis, *Introduction to Domesday Book*, i. 205; Ballard, *Domesday Boroughs*, 51.
[2] *Domesday Book*, ii. 290.
[3] Ballard, *op. cit.* 62.
[4] *Domesday Book*, i. 179.
[5] *Ibid.* i. 179.

their predial services for a quit-rent, when the lord came to appreciate the importance of trade as a source of profit. Already in the twelfth century the earls of Gloucester had conceded that the burgesses of Cardiff [1] should owe no suit to the mill, and might marry son or daughter without seeking licence; they could also brew and bake, sell ox and horse, without toll, and could make themselves dove-cotes, horse-mills and hand-mills. At Bury St. Edmunds the inhabitants commuted their obligation to reap the monastic demesne for a money payment termed 'rep-silver', and the cellarer of the abbey used to go through the town to collect the tax. But all the old women came out, says the chronicler, and brandished their distaffs in his face, cursing him and his men; and so the abbot agreed to accept a composite sum [2]. At other times the immunity of the burgesses was only partial, and here they still retained the marks of their former servitude; even in the thirteenth century the citizens of Egremont [3] were liable for agricultural services: "the burgesses with ploughs shall plough for me one day every year". Manchester [4] did not entirely shake off the manorial yoke till the middle of the nineteenth century; a hundred years earlier, its inhabitants were still taking their corn and malt to the lord's mill and their bread to the lord's oven. Suit of mill survived, indeed, long after all other incidents of feudal dependence had disappeared; so valuable, for example, were the Dee Mills of Chester that they passed into a proverb on extravagance [5]. The monasteries in particular clung tenaciously to their monopoly, and could never be brought freely to relinquish its profits. When the burgesses of Barnstaple made submission to the abbey, they bound themselves expressly to do suit at its mill and erect none of their own to its prejudice and hurt [6]. Even at the time of the dissolution the monastic establishments were

[1] *Records of Cardiff*, i. 10. Similarly *Records of Leicester*, i. 8, 39.
[2] *Chronica Jocelini de Brakelonda* (ed. 1840), 73.
[3] A. Ballard, *British Borough Charters* (1913), 95.
[4] J. Tait, *Mediaeval Manchester* (1904), 42, 50.
[5] R. H. Morris, *Chester*, 101: "If thou hadst the rent of Dee Mills thou wouldst spend it".
[6] *Calendar of Documents in France*, ed. J. H. Round (1899), 462 (*c.* 1210).

drawing a considerable portion of their revenues from the mills [1].

The extent to which English towns secured their freedom from feudal control, and the rapidity of their development, were determined not so much by their own activity and sense of corporate consciousness, as by the character of the feudal control which they contested. There were three classes of towns [2]: those on the royal demesne, those owned by lay lords, and those belonging to the Church. The greater number, and with few exceptions [3] the more important towns, were situated on the demesne of the Crown, and were therefore held directly of the king. The king showed himself an easy master, with neither inclination nor motive for playing the part of local tyrant. His interests were too wide, and position too important, to concern himself unduly in the relatively petty affairs of the townsfolk. He was content to let them manage their own business, provided they paid their dues with regularity into his Exchequer. This complaisance was the more politic, in that it made unnecessary a host of minor officials and was a safeguard against embezzlement. Moreover, it was part of the royal policy to weaken the authority of the sheriffs, whose local power and prestige were becoming as great a menace to the monarchy as either the Old English aldermen or the barons of the Conquest had been in earlier times.

(i.) *Towns on the royal demesne.*

The towns on the royal demesne prided themselves on their superior status, and were reluctant to share their privileged position with the mediate boroughs. "There are some towns", said the men of Hereford [4], "belonging to our lord the king of England and to his heirs without a mesne or mediate lord, and to such we are bound to certify, concerning our laws and customs as often and whensoever it shall be needful, especially because we are of one and the same tenure. And nothing shall be taken of them in the

(ii.) *Towns on baronial estates.*

[1] Savine, *English Monasteries*, 127.

[2] T. Madox, *Firma Burgi* (1726), 4.

[3] *E.g.* Beverley and Lynn.

[4] "Customs of Hereford", printed in *Journal of the British Archæol. Assoc.* xxvii. 477, and in J. Duncumb, *History of the County of Hereford* (1804), i. 317-344, and (Latin version) in *English Hist. Review*, xv. 303-305. For a discussion of the date, see *ibid.* xv. 303.

name of a reward"; but there are also "other market towns, which are of divers lords of the kingdom, in which are some serfs and rustics[1], which of old do corporal services to the lord divers manners of ways, and especially such and other services which amongst us are not used": these were debarred from their "laws and customs" save "at a great price". Apart from their inferior status, the towns on the baronial estates were in other respects less favourably situated, since it was to the interest of the lord to retain his authority in his own hands. But no town could hope to attain prosperity or a thriving trade, so long as it lay in the power of an alien ruler to impose his own will at every turn upon its concerns. In the struggle between the barons and the towns the advantages lay with the latter; they profited by the lord's penuriousness and wrung privileges from his necessities. Moreover, as corporations they were able to carry on the struggle with a continuity of tradition, and a persistence which was ultimately bound to prevail against the isolated efforts of individuals[2]. In 1286 the lord of Bakewell granted a charter of liberties to his burgesses, in which they were exempted from suit of court and payment of toll, and allowed the free disposal of their burgages by sale, grant and bequest[3]. A few years later (1294) Pontefract bought for three hundred marks of silver an extensive series of privileges from Roger de Lacy[4].

(iii.) Towns belonging to the Church.

In contrast with the towns belonging to secular lords, those connected with bishoprics or monastic houses were placed in a position of the utmost disadvantage. Here the struggle for independence lasted for centuries, and the towns found it almost impossible to wrest concessions from corporate bodies, which clung to their privileges with undying tenacity and an uncompromising attachment to legal formalism. The Church did not indeed everywhere assume an unyielding attitude; and the prior of St. Swithun at

[1] The translation of the text reads "natives and countrymen".

[2] Cf. A. S. Green, *Town Life in the Fifteenth Century* (1894), i. 250, 263 *seq.*

[3] *Hist. MSS. Comm. Rutland*, iv. 41.

[4] *Ibid.* 8th Rep. App. i. 269. For Lancashire town charters, see Harland, *Mamecestre*, i. 178 *seq.*

Winchester, for example, granted a charter to Weymouth (1252), conferring upon it the status of a free borough together with various rights and immunities[1]. But it was rare to find an abbot enlightened enough to adopt, free from constraint, a liberal and progressive policy; and even the more statesmanlike among them were cramped in their efforts by the narrow conservatism of those over whom they ruled. When Abbot Sampson conceded a charter to the town of Bury St. Edmunds, his action evoked a storm of criticism on the part of the monks, and the sub-prior broke out angrily with the words, "That man, Abbot Ording, who lies there, would not have done such a thing for five hundred marks of silver"[2]. Even when a charter was extorted from the fears or pecuniary needs of a monastery, its terms were far from generous. It is worth while to contrast two thirteenth-century charters, one conferred by a secular, the other by an ecclesiastical lord. Alan Basset, lord of Wycombe, granted his burgesses (1237) "all the borough of Wycombe with the rents, markets and fairs, and with all other things to a free borough pertaining, *without any reservation*"[3]. The abbot of the monastery at Peterborough released the town from tallage, merchet, carrying and reaping, but he reserved the pleas of the court and the rents of ovens and market tolls, and apparently also restrained his men from selling or alienating their land[4].

The reluctance of the ecclesiastical authorities to tolerate the slightest infringement of their liberties is vividly illustrated in the narrative of the mediaeval chronicler[5]: "Herbert the dean built a windmill upon Haberdon. The abbot, when he heard of this, was so wroth that he would hardly eat or speak a single word. On the morrow, after mass, he bade the sacristan send his carpenters thither without delay and overturn everything". The dean therefore came before the abbot and protested that he

1 H. J. Moule, *Weymouth and Melcombe Regis Documents* (1883), 15.
2 *Chronica Jocelini*, 73. 3 *Charters of Chepping Wycombe*, 9.
4 *Vict. County Hist. Northamptonshire*, ii. 425.
5 *Chronica Jocelini*, 43.

was within his legal rights, but the abbot answered angrily, "I will never eat bread until that building be overturned. You are an old man, and you ought to know that neither the king, nor his justiciar, may change anything or build anything within the jurisdiction of the monastery, without the leave of the abbot and the house. . . . Nor is this without harm to my mills, as you pretend, for the burghers go to your mill and grind their corn at their pleasure while I cannot lawfully hinder them, since they are free men". This was at Bury St. Edmunds, and a parallel incident is recorded two and a half centuries later at St. Albans (1455). A tenant of the monastery erected a horse-mill and commenced to grind his own barley. The abbot in his resentment ordered his officers to confiscate the millstones. When the officers arrived, the offender was away, but his wife met them "after woman's fashion with execrations and curses, and gathering together all her frail and chattering sex", she forcibly recovered possession of her mill. But her triumph was short-lived, and the abbot had the last word, compelling his refractory tenant to sue for pardon on his knees and refusing him permission even to grind oats. "My friend", he replied to his entreaty, "every one knows that if you give a man an inch, he takes a yard. Go home and mend your ways" [1].

The struggle for freedom.

On every hand there is abundant evidence to show how complete was the grasp of the Church over the towns on its domains. At Beverley [2] the archbishop controlled the administration of justice, exacted fines for the infringement of the laws, and brooked no competitor in the exercise of his authority. At Reading [3] the monastery chose the mayor, decided the admission of new members to the gild, took from them a yearly tax for the right to buy and sell, and compelled the rest of the townsmen to give tolls. At Faversham [4] the abbot appointed the bailiffs, heard the pleas in town, fair and market, and claimed a pre-emption

[1] *Registrum Abbatiae Johannis Whethamstede* (Roll Series), i. 199-202.
[2] *Beverley Town Documents*, ed. A. F. Leach (1900), 66.
[3] *Reading Records*, ed. J. M. Guilding (1892), i. 69, 107, 280. The tax was termed 'chepyngavel'.
[4] *Plac. Abbrev.* 140 *a*.

on all merchandise coming into town by land or sea; similar rights were asserted by the ecclesiastical lord of Bury St. Edmunds[1]. The controversy between the men of Cirencester and the Church left the latter supreme in the sphere of trade and justice, while the townsmen were denied the power to sell or bequeath their land, and were burdened with succession duties, merchet fines and agricultural services at harvest-time[2]. From generation to generation the burgesses of the towns carried on the struggle for municipal freedom, and the struggle was marked in every stage of its course by extreme violence and bitterness. The prior of Dunstable has left on record[3] (1229) an account of his acrimonious relations with the burgesses, who eventually made preparations to abandon their homes. Undaunted by a threat of excommunication, they determined "to descend into hell altogether", rather than submit to the arbitrary taxes of the prior. Although the controversy went on throughout the centuries, the risings of the towns against ecclesiastical domination were specially frequent at times of civil commotion and political unrest. Local history took tone and colour from national history, and the crises that rent the state were made the occasions of municipal revolutions. In 1264[4] the men of Bury St. Edmunds took advantage of the disturbed relations between Henry III. and his barons to elect their own magistrates and close the town gates against the abbot. Another opportunity[5] came to them in 1327 when the country was torn by dissensions; and a great riot broke out in which the monastery was forcibly entered, its servants beaten and wounded, and the abbot and his monks carried off to prison; the assailants also "mowed the meadows, felled the trees, and fished the fish-ponds of the abbey, taking away the grass, trees and

[1] *Patent Rolls*, 1301–1307, p. 283.

[2] E. A. Fuller, "Cirencester: The Manor and the Town", in *Trans. Bristol and Glouc. Archæol. Soc.* ix. part i. 298, 300, 304.

[3] *Annales Monastici* (Roll Series), iii. 122. *Se velle potius ad infernum descendere.*

[4] H. W. C. Davis, "The Commune of Bury St. Edmunds", in *English Hist. Review*, xxiv. 315. It had received a charter from the abbot in 1194: *Chronica Jocelini*, 57.

[5] *Patent Rolls*, 1327–1330, pp. 213-214.

fish". These acts of violence were repeated at Abingdon [1], where a multitude of persons "in warlike manner" besieged the abbey, burned the gates, carried away church ornaments and charters, and compelled the abbot to concede to the town its own reeve and bailiffs. The disaffection of the towns formed a considerable element in the Peasants' Revolt (1381), and they availed themselves of the disorder to vent their grievances. The men of Bury St. Edmunds [2] were expressly excluded from the king's pardon on account of their part in the insurrection, although in 1384 they were pardoned on condition of finding sureties for their good behaviour to the abbot. The deposition of Richard II. again divided the nation into rival factions. The men of Cirencester favoured the cause of Henry IV., and headed by the bailiff seized the leaders, the earls of Kent and Salisbury, and beheaded them in the streets without any pretence at legal process [3]. This exploit earned for them the commendation of Archbishop Arundel [4], and they proceeded to bind themselves by oath to withdraw their services from the abbot, refusing to send their corn to his mills or to pay his tolls. Protected by the royal favour, they were able to defy the abbot with impunity, and the king granted them a gild merchant, with the control of their trade and market, and a court to settle disputes. But the abbot bided his time, and on the accession of Henry V. obtained the annulment of the gild, and the townsmen returned to their obedience [5].

Triumph of the Church.

The towns were not isolated in their struggle to achieve independence. The assailants of Abingdon Abbey in 1327, for example, were drawn from Oxfordshire and Berkshire, and in particular a large number were citizens of Oxford [6]. There appear to be no indications that English towns ever formed confederacies for their mutual support after the

[1] *Patent Rolls*, 1327–1330, p. 222. A narrative of "The Risings in the English Monastic Towns in 1327" is given by N. M. Trenholme in *American Hist. Review*, vi. 650-670.

[2] *Rot. Parl.* iii. 118 *a*, 170 *b*.

[3] J. H. Wylie, *Henry the Fourth* (1884), i. 98.

[4] *Hist. MSS. Comm.* 9th Rep. part i. App. 111; he praises the *sancta rusticitas*.

[5] *Trans. Bristol and Glouc. Archæol. Soc.* ix. part i. 330, 335, 337.

[6] *Patent Rolls*, 1327–1330, p. 222.

manner of continental towns [1], but there are signs of sporadic co-operation. We also get occasional glimpses of the process by which their efforts after emancipation forced on the townsmen the recognition of the need for corporate action. The men of Bury St. Edmunds [2] assessed themselves for a sum of money to maintain their contest with the abbey, and we may infer that in other towns also a growing sense of corporate consciousness was fostered by the pressure of like circumstances. None the less it is clear that in the long conflict between the Church and the towns under its control, the former almost invariably gained the upper hand. The towns, with their relatively scanty and feeble resources, were powerless in the face of influential corporations which were fortified by knowledge and experience, and backed by material wealth and spiritual forces. Moreover, the influence of the Crown was often brought to bear upon the side of the Church [3], and the townsmen might well hesitate to disregard the king's injunction to "alter their demeanour and bear themselves otherwise if they would escape his most grievous anger" [4]. Everywhere the issue of the struggle was to all appearance in the Church's favour. The disputes between the citizens of Salisbury and the bishop [5] ended in the complete submission of the former (1495), and in praying permission to institute the office of coroner they were constrained to employ the most humble address. A similar fate overtook the men of St. Albans [6]. As early as 1327 they had set up the claim to use their own mills in fulling cloth, and upon the abbot's refusal to tolerate their demand they besieged the monastery for ten days, and extorted a charter conferring the right to hold their own court and appoint their own bailiff. But three years later came the turn of the wheel of fortune, and the Church again entered

[1] Gross, *Gild Merchant*, i. 106; Green, *Town Life*, i. 384, 385, 416.

[2] *Patent Rolls*, 1327–1330, p. 213.

[3] A royal charter to Wells was annulled when found to conflict with the rights of the bishop: *Hist. MSS. Comm. Wells*, i. 261.

[4] *Hist. MSS. Comm.* 11th Rep. App. iii. 188; writ to mayor of Lynn (*temp.* Edw. III.). But, on the other hand, even Henry III. threatened the church of York with a "heavy revenge": F. Drake, *Eboracum* (1736), 557.

[5] *Hist. MSS. Comm. Various Collections*, iv. 206-210.

[6] J. Thompson, *An Essay on English Municipal History* (1867), 21-31.

into its own. The abbot's marshal was killed in a fray, and the burgesses were compelled to surrender their charter and yield up their millstones. Another bid for independence was made in 1381, and after its failure the town relapsed into complete dependence upon the abbey. In this condition they remained until 1553, when they at length secured a charter of incorporation from the Crown. Even Bury St. Edmunds [1], a prosperous centre of the cloth trade, whose stubborn resistance was protracted for three centuries, sought in 1477 the sanction of the sacristan, "lord of the town", to make ordinances for the craft of weavers. Nor did even the Reformation always bring freedom to English monastic towns. At Peterborough the dean and chapter succeeded to the jurisdiction of the monastery, and down to the nineteenth century exercised the right to appoint the city magistrates [2].

Relations between the Church and independent municipalities.

Hitherto we have been concerned with the relations between the Church and those towns which were in subjection to ecclesiastical lords; we have now to see how the Church came into collision with municipalities over which it exercised no suzerainty. The mediaeval Church regarded itself as an *imperium in imperio*, and asserted its immunity from all secular control and jurisdiction. This claim brought it into conflict not only with the king, but with the towns which had acquired the rights of autonomy, for the attempt to exclude from their authority all ecclesiastical territory inside the municipal area set up a rival power within the walls of the borough. In the main, controversy centred round two points: jurisdiction and taxation. The citizens demanded that tenants of the Church should be "obedient to our chief bailiffs" [3], attend their courts and pay contributions to the town assessments, while the Church restrained its dependents from compliance. A difficult situation was created, for not only was a part of the town inhabitants relieved of their communal obligations, but the authority of the mayor could be set at defiance by any ill-disposed

[1] *Hist. MSS. Comm.* 14th Rep. App. viii. 133. Wolsey mediated in 1528 between Lynn and the bishop of Norwich: *ibid.* 11th Rep. App. iii. 246.

[2] Brown, *Arts in Early England*, i. 96.

[3] *Journal of the British Archæol. Assoc.* xxvii. 467.

citizen. The financial grievances of the burgesses were as old as Domesday, where complaint was raised that ecclesiastical lords retained the Danegeld paid by their tenants, to the loss of the other citizens who were made responsible for the whole sum levied upon their community[1]. A settlement took place at Leicester in 1281, where the tenants of the bishop of Lincoln agreed that any one who became a member of the merchant gild should contribute to its charges in return for a share in its privileges[2]. But it was more difficult to arrange a compromise in matters affecting jurisdiction, for concession here involved the abdication of ecclesiastical authority. At Gloucester the servants and tenants of the monastery were expressly exempted by royal charter from civic control[3]. At Hereford[4] fraudulent bakers were able to take refuge on ecclesiastical territory in order to exercise their trade outside the jurisdiction of the bailiffs; while at Winchester[5] weavers withdrew into the episcopal suburbs to escape the charges due to the city. The quarrels between Canterbury and the convent of Christ Church were spread over three hundred years, and serve to illustrate the various occasions for dispute that from time to time were advanced. In 1227 the bailiffs required the monastery to furnish a number of men-at-arms to the quota demanded of the city by the king, and a century later (1327) they put forward the claim that ecclesiastical property should contribute to the taxes. The friction culminated in 1329 when the prior refused to pay a share of the subsidy imposed on the town; the citizens held a meeting in the Blackfriars Churchyard, and resolved that they would sell neither food nor drink to the monks and would seize provisions that came to the monastery from their manors; no pilgrims were to enter the church without swearing not to make offerings, and ecclesiastical tenants were to be driven from their houses. The disputes were revived in the fifteenth century

[1] *Domesday Studies*, i. 126.

[2] *Records of Leicester*, i. 191. Similarly, *Colchester Oath Book*, ed. W. G. Benham (1907), 188.

[3] *Gloucester Corporation Records*, ed. W. H. Stevenson (1893), 14.

[4] *Journal of the British Archæol. Assoc.* xxvii. 484.

[5] E. Smirke, "Winchester in the Thirteenth Century", in *Archæol. Journal*, vii. 377.

when the prior alleged that the bailiffs had sacrilegiously invaded the right of sanctuary in Christ Church (1425), and the citizens accused the convent of forestalling supplies of fish (1428). In 1492 a settlement was reached in which the city renounced all claim to jurisdiction within the monastic precincts; yet shortly afterwards the complaints on both sides were renewed, and the prior carried his suit to a court of law[1]. The history of Canterbury does not stand alone, and in many other towns the existence of a divided authority provided a fruitful field for dissensions and conflicts. At Norwich the prior sought "to draw away men of the franchise from the commons of the city, in order that they might be under his own jurisdiction and severed from the commons". The ill-feeling culminated in a terrible riot between the monks and citizens in 1272, when the cathedral church "founded there from of old" was burnt down with the houses of the convent built within its cloisters[2]. The king intervened, but dissensions revived until in 1306 the two parties, "prudently considering the inconvenience of these disputes", came to terms[3]. Occasionally the efforts of the burgesses to establish their authority over all franchises within the town walls brought them into collision with secular lords. At Bristol Maurice de Berkeley was lord of Radcliffe Street, which he claimed as part of his manor of Bedminster, while the mayor claimed it as part of the city, and the result was a conflict of jurisdictions[4].

Other disputes.

The relations between the Church and the municipalities were further complicated by disputes over the ownership of common land and rights of way. At York a quarrel broke out when the monastery enclosed a common pasture which

[1] *Hist. MSS. Comm.* 5th Rep. 433-434; *ibid.* 9th Rep. part i. App. 96, 98, 112, 118. For the struggle between Exeter and the Church, see *ibid. Various Collections*, iv. 68 (1249); *Letters and Papers of John Shillingford*, 1447–1450, ed. S. A. Moore (1871). Similarly Shrewsbury, *Select Cases in the Star Chamber*, i. 180.

[2] *De Antiquis Legibus Liber*, 145-148. W. Rye, "The Riot between the Monks and Citizens of Norwich in 1272", in *Norfolk Antiquarian Miscellany*, ii. 17-89.

[3] *Records of Norwich*, ii. 271.

[4] *Patent Rolls*, 1301–1307, pp. 347, 352, 356; Smyth, *Lives of the Berkeleys*, i. 196 *seq.*

the town regarded as its property[1], and at Ipswich the citizens demolished a hedge and ditch made by the prior of Ely to enclose land owned by the city "time out of mind"[2]. Sometimes the controversies ended peacefully and a settlement was reached between the two parties over the points at variance. Another subject of contention emerged in the exaction of market tolls, from which the ecclesiastics set up a claim to immunity. At Bury St. Edmunds the burgesses refused to allow the abbot's servants to be quit of toll whenever they bought or sold as traders, but when they sold the abbey's produce or bought provisions for its use they were not required to pay toll. The distinction was well established, but here, as elsewhere, it added fuel to the bitterness between the monastery and the town[3].

Control of the sheriff.

Apart from the claims of their feudal lords, lay and ecclesiastical, other difficulties confronted the townsmen in their endeavour to achieve independence and self-government. The sheriff, as the political representative of the Crown and the local head of the county administration, was all-paramount in the shire, and enjoyed opportunities for meddling with the concerns of the borough communities, which were utilized to the full. As judge he dealt with pleas that lay outside the competence of the municipal courts and assessed the fines for breaches of the law; as military leader he raised armed levies among the townsmen and led them to the field; as revenue-officer he imposed taxes and gathered in the royal dues[4]. In these various capacities he had unnumbered occasions for oppression, and used his position to serve his own ends and to fill his own purse. At Canterbury[5] the sheriff compelled the people to pay excessive toll for the use of his ferry-boat, and it was among the articles of the Hundred Rolls[6] to inquire "respecting sheriffs who took money to conceal felonies". The pleas of the Crown for the county of Gloucester afford eloquent

[1] *York Memorandum Book*, i. 179-180.
[2] Bacon, *Annals of Ipswich*, 108 (1451).
[3] *Chronica Jocelini*, 74.
[4] Stubbs, *Constitutional History*, i. 299, 443, 444.
[5] Green, *Town Life*, i. 207.
[6] Compare the Staffordshire Hundred Rolls (which contain rolls not printed in the *Rot. Hund.*) in *Wm. Salt Archæol. Soc. Collections*, v. part i. 119.

testimony to the misdeeds of the sheriffs, who were charged with miscarriage of justice, exactions of money and many other acts of oppression [1]. The sheriff in the Middle Ages was in fact the best hated man in the shire, and his unpopularity is reflected alike in history and legend. Accordingly the overmastering desire to avoid his exactions, and exclude him from their walls, became the great incentive that first stimulated in the townsmen a longing for freedom. Community of suffering brought home to them their common interests, and the growing feeling of corporate identity became the mainspring of their municipal development. The first step was taken by the purchase of a charter from the Crown bestowing upon them the right to assess and collect all their own taxes. The second step was to crystallize corporate action into a permanent organization, whereby to maintain and extend the privileges thus gained.

Franchises conferred by borough charters.

The history of English towns during the twelfth and thirteenth centuries, apart from the growth of their industry and trade, is thus largely the story of their emancipation from feudal and political control. Immunity from external authority, whether of lord or sheriff, and the concentration of power within their own hands, constituted the goal which the townsfolk kept steadily before their eyes. Their progress was not, however, uniform, and it cannot be too often insisted that every town has its own history, and that the conditions of its development varied with the exigencies of local circumstances. Leicester, though one of the famous Five Boroughs, did not acquire the *firma burgi*, the most ordinary privilege of an emancipated borough, until the middle of the fourteenth century, and then only for a period of ten years [2]. None the less, we may at this point conveniently group the various franchises conferred by borough charters of the twelfth and thirteenth centuries under certain well-defined heads. John's reign in particular constitutes the 'golden age' of municipalities, and his necessities made him pre-eminently "the great charter-monger". The

[1] *Pleas of the Crown for Gloucester*, ed. F. W. Maitland (1884), pp. 23, 31, 41, 58, 96.

[2] *Records of Leicester*, ii. 149. See also Gross, *Gild Merchant*, i. 6 (*n.* 1).

towns had fought for supremacy in administration, in trade and in justice, and in each of these directions they secured valuable concessions.

(i.) *The firma burgi.*

Foremost among their privileges was that of farming the revenues of the borough [1]; this was the indispensable preliminary if the sheriff "or other rough and powerful officer set over their town" [2] were to be excluded from their walls. The burgesses collected the tolls of the market, the profits of the court, the rents of the burgages—where the king was also lord of the soil—and in their stead they paid annually a fixed composition to the Exchequer. Middlesex, for example, was held at farm for three hundred pounds by the citizens of London [3]. In relation to the *firma burgi*, as the composition was termed, attention should be directed to the following points. The right to farm their own revenues did not constitute the burgesses lords of the town or owners of its soil; it meant only that they had replaced the royal officers in the collection of the royal dues. Again, the farm did not necessarily cover, as is sometimes supposed, every item of income which the burgesses owed to the king [4]; nor did it include the occasional gifts or aids which the king levied from time to time [5]. The *firma burgi* was sometimes conceded only for a term of years and not in 'fee-farm', that is, in perpetuity; moreover, the grant was sometimes made to the borough, then revoked in favour of individuals, and eventually restored to the burghers. In 1227 Henry III. granted the farm of Bristol [6] to the town for eight years at a yearly rent of two hundred and forty-five pounds, which on subsequent occasions was raised in amount; Edward II. gave it in 1320 to Hugh Despenser, and Edward III. restored it to the townsmen; not, however, until 1462 did they receive it "for ever" [7]. The competition for farming the borough revenues indicates that, while the exclusion of the sheriff

[1] The sources of income derived from boroughs are enumerated in Ballard, *Domesday Boroughs*, 63, 94.

[2] Madox, *Firma Burgi*, 279.

[3] J. H. Round, *Geoffrey de Mandeville* (1892), 347, 358.

[4] At Colchester it was said of a payment belonging to the king that "it was not farmed": *Domesday Studies*, i. 135.

[5] Madox, *Firma Burgi*, 280.

[6] J. Latimer, *Bristol Charters* (1909), 18.

[7] *Ibid.* 116.

was the primary consideration, the farm often afforded a surplus which made it a profitable venture. The men of Carlisle offered John an increment of sixty shillings in addition to the ancient farm, but the sheriff of Cumberland found it worth his while to compete, and his more liberal terms prevailed [1]. The burgesses of Newcastle, again, agreed to give a hundred pounds instead of the fifty paid by the sheriff, and the bargain proved most advantageous on account of its coal trade [2]. When a town fell on evil days the *firma burgi* was sometimes temporarily reduced. As early as 1256 Henry III. reduced the farm of Grimsby from over a hundred pounds to less than half the sum [3]. In the fourteenth century Lincoln and Yarmouth (1399) complained that the inhabitants were leaving the city because they could not support the payment of the farm [4]. The men of Southampton (1376) even prayed the king to take the town into his own hands and discharge them completely of the farm, "for that they are not able to pay the fee-farm by reason of the farm being so great and of their great charge about the fortification of the town" [5]; the king consented to remit the farm for two years, and all arrears [6]. These fluctuations in the amount of the *firma burgi* serve as a useful index to the prosperity or decay of the older boroughs. We can trace the continuous decline of an important trading centre in the financial history of Chester, whose decay was brought about by the silting up of the port. Edward I. granted the farm of the city at a yearly rent of a hundred pounds, Henry VI. released fifty pounds, Richard III. remitted another twenty, and Henry VII. finally reduced the farm to twenty [7]. Most striking of all was the petition of Winchester [8] in 1440, setting forth that the city "which in ancient times was chosen out for the coronations and burials of kings, through pestilence and loss of trade, has had 11 streets, 17 parish churches, and 987 messuages in

[1] Madox, *Firma Burgi*, 251.
[2] *Proceedings of the Archæol. Institute, Newcastle* (1852), 34.
[3] *Hist. MSS. Comm.* 14th Rep. App. viii. 238. [4] *Rot. Parl.* iii. 438 *a*.
[5] *Ibid.* ii. 346 *b*. [6] *Patent Rolls*, 1377–1381, p. 76.
[7] Morris, *Chester*, 490, 511, 516, 521.
[8] *Patent Rolls*, 1436–1441, p. 400; *ibid.* 1441–1446, p. 84.

ruin during the last fifty years, and is so impoverished as to be unable to support the payment of its fee-farm".

(ii.) *The borough court.*

Of considerable importance to the burgesses was the right to hold a court, in order that they might not be impleaded beyond the walls of the borough. As early as 1131 London[1] obtained the privilege that "the citizens shall not plead outside the walls of the city for any plea": Immunity from external jurisdiction was valued by the townsmen, partly from their distrust of the impartiality of the stranger, partly to avoid summons to distant courts involving the expenditure of money and energy, and partly to retain the profits of justice in their own hands. The borough court was something more than merely a judicial tribunal[2]; it was the kernel of the town administration and the most important constituent in the civic polity. At its head was the mayor or the bailiff, while the analogy of the shire court suggests that originally the whole body of burgesses were members of the court and sat as doomsmen. But in any case the range of membership would gradually be restricted to the leading and more experienced burgesses, and the court would thus cease to be a popular body[3]. Attention has been drawn to the fact that even before the Conquest some boroughs had a select body of lawmen or judges. In the later Middle Ages the court came to be superseded in importance by the growth of the town council, but this was a subsequent development.

(iii.) *The election of magistrates.*

The election of their own magistrates was a necessary precaution against undue influence on the part of outsiders and ensured that the administration would be conducted according to the wishes of the townsmen. Early in the twelfth century the citizens of London obtained from Henry I. the right to appoint their sheriff and justiciar from their own body, but other towns acquired more slowly the privilege of choosing their own bailiffs and later their mayor. It is possible that the right of farming the revenues of the borough was held to carry with it the power to

[1] Liebermann, *Gesetze*, i. 525.
[2] *E.g.* it was responsible for the *firma burgi*.
[3] Pollock and Maitland, *History of English Law*, i. 657.

appoint the reeves or bailiffs, in whose hands the financial administration of the town was vested. In 1189 the men of Nottingham were permitted to "make whom they will of their people to be their reeve at the end of the year, who shall answer on their behalf for my farm [to the Exchequer]" [1].

(iv.) The acquisition of freedom by villeins.

A frequent clause in borough charters conferred freedom on any villein who resided safely for a year and a day within the walls of the town [2]. According to Glanville [3], the villein was required to take up the rights of citizenship; sometimes it was necessary for him to be a member of the gild merchant, and sometimes also to hold land in the borough [4]. Apparently the villein could not return to his manor without running the risk of being reclaimed by his lord [5]. There is record of an unsuccessful attempt made in the reign of Edward II. to reclaim some villeins in Norwich [6]; they had resided for long periods, one for sixty, another for thirty years, and were "at scot and lot and at tallage with the free citizens". In the latter half of the fourteenth century the villeins began to appreciate the importance of this avenue of escape from their bondage, and to utilize its opportunities. The landowners complained in parliament (1391) that villeins fled from their lords into enfranchised cities and boroughs, and under cover of the franchise remained in security, whilst the townsmen forcibly repulsed all efforts to recapture them. They demanded that every lord might enter into a city or liberty and there seize his villein, but the king rejected the petition [7]. The importance attached to the privilege is shown by the frequency of its appearance in borough charters; it was intended to attract settlers, and to protect the townsmen from all pretext for outside interference. But the right of a fugitive villein to obtain emancipation by residence within the walls of a town was not everywhere conceded, as is usually supposed. It

[1] *Records of Nottingham*, ed. W. H. Stevenson (1882), i. 9.
[2] *E.g. ibid.* i. 3.
[3] *De Legibus*, v. c. 5.
[4] *E.g.* (i.) Aberystwith (1277): *Charter Rolls*, ii. 206; (ii.) Preston: W. Dobson and J. Harland, *History of the Preston Guild* (1862), 73.
[5] Madox, *Firma Burgi*, 270-271.
[6] *Plac. Abbrev.* 316 *a*. Similarly, *Letter-Book K*, 80.
[7] *Rot. Parl.* iii. 296 *b*.

was withheld, for example, in a charter granted to Plympton (1285), where a saving clause reserved the lord's prerogative over his subjects: "saving that the bondmen of the earl by tarrying in the city shall not acquire their freedom by any liberty of the city without the earl's special assent" [1]. Sometimes also, the privilege was made an occasion for extortion. In 1267 the citizens of Lincoln complained that the "mayor and others of the city by force and intimidation have distrained men dwelling in the city to give money to them for their liberties" [2].

(v.) *Other privileges.*

Other privileges varied from borough to borough. The citizens of London [3] were freed from military and naval obligations, while Oxford and Cambridge [4] were each liable for the service of twenty soldiers in the field. At Preston the burgesses were not required to go upon any expedition unless the lord accompanied them, and provided they were able to return on the same day [5]. For the economic historian, however, interest attaches mainly to the mercantile privileges, of which the chief was the grant of a merchant gild. This will be the subject of a subsequent chapter.

[1] *Charter Rolls*, ii. 303.
[2] *Patent Rolls*, 1266–1272, p. 270.
[3] *Ibid*, 1327–1330, p. 135.
[4] Ballard, *Borough Charters*, p. xlviii.
[5] Dobson and Harland, *History of Preston Guild*, 77. It is difficult to define the term 'liber burgus'. Gross (*Gild Merchant*, i. 5) holds that "it was a variable generic conception. It comprised a vague aggregate of franchises". Professor Tait (*Mediaeval Manchester*, 62) is of opinion that "the institution of a 'free borough' meant no more than the substitution of a free burgage tenure and customs for the villein services and merchet of the rural manor". This seems the most probable view, and with it may be compared the statement of the chronicler Jocelin (*Chronica*, 73) that before the town of St. Edmunds *became free*, its inhabitants used to reap as serfs; but when it received the *name and liberty of a borough* the townsmen commuted their services for a pecuniary payment. The two features common to all boroughs, Mr. Ballard (*Borough Charters*, p. lxxxviii) has pointed out, were (*a*) burgage tenure and (*b*) the borough court. Cf. also Petit-Dutaillis, *Studies Supplementary to Stubbs*, i. 69 (*n.* 2).

CHAPTER VI

FAIRS AND MARKETS

The importance of mediaeval fairs and markets.

In the Middle Ages the greater part of the internal trade of the country was carried on at fairs and markets, and the history of their organization and growth occupies an important chapter in the development of mediaeval commerce. For many centuries they were the chief centres of traffic and the main channels of commercial intercourse. But the period during which their activity was at its height was that of the twelfth, thirteenth and fourteenth centuries, when England became covered with a network of markets and fairs, of which some rivalled in fame even the great French fairs of Champagne and Lyons. Their importance indeed can scarcely be over-estimated, for at a time when the stream of commerce was fitful and scanty they furnished what was commonly the sole opportunity for the purchase and sale of distant products. They represent in fact a phase of commerce which can best be described as periodic [1]; where distribution and exchange take place at periodical gatherings and not in permanent centres. In the most primitive stages of commercial activity, when human needs were less intense, the scope of production and distribution alike was restricted to the satisfaction of the most pressing wants. In later stages, commercial dealing gradually became part and parcel of the everyday life of the community. Between the earliest and the ultimate stages lay an intermediate stage, in which the growing desires of society were met by increasing skill in production and an ever-widening circle of distribution.

[1] Herbert Spencer, *Principles of Sociology* (1893), i. 498.

But opportunities of distribution were still confined to fixed periods, for while the exchange of commodities had become a recognized practice, social disorders and the difficulties of transport impeded their rapid and unceasing circulation.

Their religious origin.

In their first beginnings fairs and markets appear as a religious rather than as a commercial institution. They originated in the religious assemblies of pious worshippers who congregated round famous shrines on the feast days of saints. Indeed between the festival and the fair there is a close, almost inseparable, relation: "there is no great festival without a fair, no fair without a festival"[1]. The concourse of strangers from distant parts afforded opportunities for the exchange of products, and the pilgrim was often also a trader[2]. These periodical gatherings became the natural centres for commercial dealings, and merchants were always assured of the presence of buyers in an age when population was scattered and seldom concentrated in large groups. Moreover, the ostensible purpose for which the assemblies were held threw over the trader the cloak of religion, and ensured a degree of security which induced him the more willingly to brave the risks inseparable from his calling. The influence of the Church was undoubtedly a powerful factor in fostering the temporary peace to which the fair usually owed its rise.

Early English fairs.

In England we get occasional glimpses of a religious origin in the case of some of the fairs. Before the Norman Conquest there was an annual gathering at the feast of St. Cuthbert in the palatinate of Durham[3], and from this gathering sprang the great fair which took its name from the saint. Again at St. Ives in Huntingdonshire the discovery of the bones of the saint led to the institution of one of the greatest of English fairs[4]. Our knowledge of early English fairs and markets is, however, very scanty, and we have only slight indications as to their condition at the

[1] P. Huvelin, *Essai historique sur le droit des marchés et des foires* (1897), 40. Cf. also C. Walford, *Fairs* (1883), 1-3.

[2] *Bibliotheca Rerum Germanicarum*, ed. P. Jaffé (1873), vi. 286.

[3] G. T. Lapsley, *The County Palatine of Durham* (1900), 108.

[4] Founded in 1110: *Cartularium Monasterii de Rameseia*, i. 240.

time of the Conquest. Domesday Book records the existence of forty-two markets [1], and their value varied considerably. At Neteham in Hampshire [2] the market was worth as much as eight pounds, and at Okehampton [3] in Devonshire as little as four shillings. References to fairs are extremely rare, nor is their value stated as in the case of markets. One was held at Aspella in Suffolk and another at Matele in Cornwall [4]. The silence of Domesday Book is no proof that fairs did not exist, and, moreover, many important towns, London, Winchester and others, were omitted from the Survey. There is, for example, an early mention of a fair at Chester in connexion with a grant made to the Constable Nigel by Hugo, Earl of Chester, who came over with the Conqueror [5]; and William I. conceded an annual fair to Malmesbury Abbey [6]. Again at Arundel in 1071 Roger de Montgomery was seized of the town of Arundel with its fair and market, "and all other liberties to the same appertaining" [7]. But the really important fairs—St. Giles, St. Ives, Stourbridge and Bartholomew—were founded in subsequent reigns. Whatever their history at an earlier date, by the time of the compilation of the Hundred Rolls, the institution of fairs and markets had struck deep roots and had become an essential part of the economic framework of English society.

The peace of the fair.

The development of markets and fairs was enormously facilitated by the protection which the Church and the monarchy extended to those who frequented them, and the market-cross became the emblem of the peace of commercial intercourse [8]. They constituted the oases of commercialism in "a wilderness of militancy". The importance of the peace of the fair finds expression in the numerous charters in which it was accorded special prominence. In the charter of St. Ives (1110) the king says: "I will and ordain that all who come to the fair, remain at it, and return from it, have

[1] Ballard, *Domesday Inquest*, 181.
[2] *Domesday Book*, i. 38.
[3] *Ibid.* i. 105 *b*.
[4] *Ibid.* ii. 418 (Aspella); i. 120 *b* (Matele).
[5] W. Dugdale, *Monasticon Anglicanum* (1661), ii. 187.
[6] *Regesta Regum Anglo-Normannorum*, ed. H. W. C. Davis (1913), i. 65.
[7] F. E. Sawyer, "Sussex Markets and Fairs", in *Sussex Archæol. Collections*, xxxvi. 182.
[8] Huvelin, *Essai historique*, 47.

my firm peace" [1]. Henry II. promised that all who attended the market of Nottingham [2] from the eve of Friday to the eve of Saturday should not be distrained except for the king's farm; and the violation of the royal protection involved penalties of forfeiture to the king. The clearest enunciation of the peace of the fair is in the laws of the Scottish boroughs: "This is the ordinance of the peace of the fair—that once the peace of the fair has been proclaimed, no one shall be attached in the fair unless he break the peace of the fair", and unless he were an outlaw, or a traitor or such a malefactor "whom the peace of the Church ought not to protect"; even the fugitive serf was immune from arrest while the peace of the fair lasted [3].

The institution of witnesses.

Other factors contributed greatly to the formation of markets and fairs, and among these was the importance attached in Anglo-Saxon law to the presence of witnesses at all purchases and sales, in order to avoid traffic in stolen goods. From the earliest times we find legislative enactments reiterating the prohibition against secret transactions. Already in the seventh century the laws of Ine [4] bade the chapman do his traffic among the people before witnesses, while Edward the Elder [5] and Athelstan [6] went a step further in ordaining that no man buy anything out of port, but there do his bargaining with the witness of the port-reeve or other 'unlying' man. Edgar [7] instituted official witnesses, thirty-six in large boroughs, and twelve or more if necessary in small boroughs and in hundreds. Canute [8] enacted that no one should buy anything above the value of fourpence unless he had the true witness of four men,

[1] *Cart. Mon. de Rameseia*, i. 240. The charter of Bartholomew fair contains a clause, "And I forbid any of the royal servants to implead any of their persons, or without the consent of the canons . . . to levy dues upon those going thither": H. Morley, *Memoirs of Bartholomew Fair* (1874), 12.

[2] *Records of Nottingham*, i. 3. On the subject of immunity from debt in fair-time, see *infra*, p. 227.

[3] "Leges Burgorum", in *Ancient Laws and Customs of the Burghs of Scotland*, ed. C. Innes (1868), i. 42, 43.

[4] Liebermann, *Gesetze*, i. 100 (688-695).

[5] *Ibid.* i. 138 (901–924). [6] *Ibid.* i. 156 (*c.* 925).

[7] *Ibid.* i. 210 (962–963). Kemble (*Saxons in England*, ii. 338) thought that these witnesses foreshadowed the later municipal council.

[8] Liebermann, *Gesetze*, i. 326 (1027–1034).

and the series of prohibitive enactments was continued in the legislation attributed to William and his successors. These injunctions served to consolidate the market-system by gathering the people together on fixed days in the week or year, for purposes of buying and selling. The effort to concentrate trade in recognized centres rendered the market a natural medium for all commercial dealings. The exigencies of the royal exchequer tended in the same direction, and acted as a powerful lever in forcing the internal trade of the country into artificial channels, in order to facilitate the collection of tolls. Henry I. tried to make Cambridge the sole custom-house in the shire: "I forbid that any boat shall ply at any hithe in Cambridgeshire save at the hithe of my borough of Cambridge, nor shall any barges be laden save in the borough of Cambridge, nor shall any take toll elsewhere but only there"[1]. Similarly Henry II. ordered foreign merchants in Lincolnshire to do their trading at Lincoln, "so that my reeves of Lincoln may not lose my royal customs"[2]. The importance of safeguarding the revenue of the Crown doubtless prompted the law of Athelstan early in the tenth century: "Let every market be within port"[3]. In a late compilation of laws William I. is made to confirm this: "There shall be no market or fair save in the cities of our realm, and in boroughs enclosed and fortified by a wall, and in castles and in very safe places, where the customs of our realm and our common law and the royalties of our Crown, which were constituted by our good predecessors, may not perish or be defrauded or infringed, but where all things may be done rightfully and in public and by judgment and justice"[4]. At a much later period Edward I. also attempted to confine the trade of North Wales to fixed centres, but the object here was to benefit English burgesses settled in these boroughs by giving them the monopoly of trade. The Welsh traders resisted the ordinance, partly on racial grounds, and partly to avoid the market tolls from which in the past they had apparently enjoyed immunity[5].

Exigencies of the royal exchequer.

[1] *Cambridge Borough Charters*, ed. F. W. Maitland and M. Bateson (1901), 3. [2] W. de G. Birch, *Royal Charters of Lincoln* (1911), 14.
[3] Liebermann, *Gesetze*, i. 156. [4] *Ibid.* i. 491 (*c.* 1210).
[5] Lewis, *Mediæval Boroughs of Snowdonia*, 174-177.

Free trade.

The exclusive monopoly of trade, which towns in the Middle Ages so jealously asserted, affords a further explanation of the rapid development of mediaeval markets and fairs. The townsmen carefully guarded their commercial privileges, and were reluctant to extend them to the stranger in their midst. At fairs and markets, on the other hand, full freedom of traffic was accorded indifferently to alien and native, to burgess and stranger; and it was this policy of free trade and the open door which attracted traders and afforded scope for the unrestricted play of commercial forces. Moreover, the stringent provisions contained in borough custumals against trading outside the walls of the town were commonly relaxed in favour of the great marts [1], and this concession enabled burgesses to carry their wares to distant centres.

The royal prerogative.

The classical doctrine as enunciated in the pages of Coke and Blackstone lays down that markets and fairs can only be set up in virtue of a royal grant, or by long and immemorial usage and prescription which presupposes such a grant [2]. This doctrine also held good in the Middle Ages, and it was among the duties of justices of the eyre to inquire "if any new market had been set up without the licence of our lord the king" [3]. The grant of a market or fair was essentially a royal prerogative, and was usually embodied in a formal charter or letters patent [4]. The important fairs of Bartholomew and St. Ives were expressly founded by charter, but the fair at York was claimed by the archbishop on the ground of prescription, "from a time whereof there is no memory" [5]. In the county palatine of Durham the right to erect fairs and markets was vested in the bishop, though he was careful to retain in his own hands the great fair of St. Cuthbert [6].

In a feudal organization of society the sovereign was easily induced to alienate the royal rights of the Crown, and

[1] *E.g. Newcastle Merchant Adventurers*, ed. J. R. Boyle and F. W. Dendy (1895), i. 61.

[2] E. Coke, *Second Part of the Institutes* (1671), 220; W. Blackstone, *Commentaries* (1825), i. 273.

[3] *Statutes*, i. 234.

[4] For a typical grant of a market and a fair, see H. Hall, *Formula Book of Diplomatic Documents* (1908), 33.

[5] *Placita de Quo Warranto*, 223 *a*. For a market held by prescription, cf. *Rot. Hund.* ii. 169.

[6] Lapsley, *County Palatine*, 62.

Alienation of royal rights.

no privilege perhaps was more lavishly conceded than the grant of fairs and markets. These grants were conferred upon towns and churches and individuals. Many towns [1] set up their own fairs and markets, but their privilege rested upon the royal licence. There was in fact an important difference between the commercial privileges of English and Scottish towns. In Scotland a borough exercised the right to hold a market as its natural monopoly, and maintained the complete control over all trade within a very wide area. The charters of Perth, Aberdeen and Inverness [2] gave them the exclusive privilege of trading within the counties of which they were the head, while the laws of William the Lion [3] ordered merchants to come with their merchandise to the market of the borough and there expose it for sale.' But in England a different system prevailed; whenever the municipality acquired the privilege of a market, this privilege proceeded as a gift from the Crown [4], and was not part and parcel of the ordinary municipal franchise. Similarly in Wales the franchise of a market or fair was distinct from that of the borough, being based upon a separate charter [5]. English fairs and markets were also often in the hands of private individuals; for example, the market of Belton belonged to a knight [6], and in 1306 Hugh Despenser petitioned Edward I: for the right to hold a fair [7]; while Lord Berkeley owned three fairs, two at Newport and one at Berkeley [8]. But the most frequent recipient of the grants was the Church, which generally, though not invariably, controlled all the great fairs and forced into the background those set up by the boroughs; at Cambridge

[1] (i.) 1227: Henry III. granted a fair to Hereford (*Hist. MSS. Comm.* 13th Rep. App. iv. 284) and to Preston (W. A. Abram, *Memorials of the Preston Guilds*, 1882, p. 3). (ii.) 1319: Edward II. gave a fair to Colchester (*Charters of Colchester*, ed. W. G. Benham, 1904, p. 9). (iii.) 1368: Edward III. granted two fairs to Queensburgh (*Letter Book G*, 228).

[2] Ballard, *Borough Charters*, 170.

[3] Innes, *Ancient Laws*, i. 183. Date is 1165–1214.

[4] R. Brady (*Historical Treatise of Cities and Boroughs*, 1777, p. 33) appears to regard the possession of a market and fair as an essential characteristic of a free borough. But the franchise was not restricted to boroughs. Cf. H. A. Merewether and A. J. Stephens, *History of Boroughs and Corporations* (1835), i. 381.

[5] Lewis, *Snowdonia*, 169.

[6] *Rot. Hund.* ii. 169.

[7] *Rot. Parl.* i. 203 *a*.

[8] J. Smyth, *History of the Hundred of Berkeley* (1885), 39, 82.

the fair which the townsmen held from early times was completely overshadowed by the fair of Stourbridge. Sometimes the control and profits of the fair were shared between two or more owners[1], and a fair at Exeter was divided between the Crown and the city[2]. Rights of fairs and markets were transmissible by hereditary right[3], and apparently could also pass to a purchaser, for the plea that the charter lapsed when the franchise was sold to a stranger was overruled in a court of law[4]. A statute of Edward I.[5], however, enacted that a writ of inquiry must precede the purchase of any fair or market.

Profit of fairs and markets.

Whether in the hands of the king or his subjects, a remarkable number of periodical marts sprang up and flourished in England during the twelfth and subsequent centuries[6]. The great stimulus to their creation was the recognition that they were a lucrative source of income to their owners. It is exceptional to find a *free* fair where neither toll, custom nor stallage was taken from traders[7]. At Manchester, in 1282, the lord of the manor was drawing £6 : 13 : 4 from his tolls—an amount nearly equal to his burgage rents, and no inconsiderable sum for those days. The market and fair at Bradford (1311) were worth £6, and the stallage of the Liverpool fairs and markets was farmed for £10.

[1] At Aspella in Suffolk Ralph Peverel had "the third part" of the fair: *Domesday Book*, ii. 418. At Burton "one moiety of the market belongs to the earl of Bologne, a fourth part to Richard Wascelinus, and a fourth part to Richard of Chester": *Plac. Abbrev.* 71 *b*. At Dublin the archbishop had the fair for two days and the burgesses the remainder: J. T. Gilbert, *Historic and Municipal Documents of Ireland* (1870), 64.

[2] *Rot. Hund.* i. 70 *a*. [3] Bracton, f. 424.

[4] *Placita de Quo Warranto*, 38, 109. On the other hand, the re-grant of a franchise was regarded as an abuse in *Rot. Parl.* i. 98 *a*. Sometimes the lord gave away his rights; Thomas Basset gave to the Church "the whole tithe of the profit of the fair of St. Kalixtus": *Hist. MSS. Comm. Various Coll.* iv. 69. The priory of St. Andrew received a tithe of the profits of the fair held in Northampton: *Associated Architectural Societies' Reports and Papers*, xvi. 73.

[5] *Statutes*, i. 131. Apparently if the grantee did not avail himself of his grant, it fell into desuetude and a renewal became necessary: cf. *Patent Rolls*, 1345–1348, p. 278.

[6] See Calendar of Grants of markets and fairs in the *First Report of the Royal Commission on Market Rights and Tolls* (1889), i. App. xix. For N. Wales, see Lewis, *Snowdonia*, 171.

[7] This was at Hethe: *Charter Rolls*, ii. 36 (1261). For French examples, cf. M. F. Bourquelot in *Mémoires présentés à l'Académie des Inscriptions et Belles-Lettres*, 2nd ser. v. 25.

St. Botolph's fair (1282) produced over £90 in rents and stallage, and £40 in profits of jurisdiction. Most striking of all was the fair of St. Giles, which at the end of Henry II.'s reign brought in £146[1]. The revenue derived in this way helped to maintain ecclesiastical and charitable foundations; the greatest of all English fairs, Stourbridge, was erected by King John to support a hospital, and he also granted a fair to the hospital of St. Mary Magdalene at Ipswich[2]. It was equally for their profit that they were valued by individuals and public bodies. In 1334 Northampton petitioned for a fair to enable it to pay its fee-farm to the Exchequer[3], and at another time a fair was granted to restore a village destroyed by fire[4]. According to Matthew Paris, the abbot of Ramsey when deprived by the king of St. Ives fair asserted that he would have preferred to lose many manors[5]. When a quarrel broke out between the lord of St. Botolph's fair and the men of Lincoln, one of the citizens declared before the commonalty "that he would rather give out of his own chattels ten pounds before he would lose his fair of St. Botolph"[6].

Desecration of the church.

The organization of fairs and markets was seldom uniform, and the exigencies of local requirements afforded scope for a great variety of practices. But though one differed from another in matters of detail, certain features were common to all. They were often held within the churchyard[7], although the tumult was denounced as a prejudice and scandal to the church[8]. An episcopal charter to Wells in 1201 enjoined that all who came to the fair should "by no means presume to enter, or desecrate, the church of Wells or the church-porch to sell their merchandise"[9]; and Robert Grossteste forbade markets in his diocese

[1] (i.) Manchester: Harland, *Mamecestre*, i. 145. (ii.) Bradford: J. James, *History of Bradford* (1841), 61, 82. (iii.) Liverpool: *Vict. County Hist. Lancaster*, ii. 281. (iv.) St. Botolph: P. Thompson, *History of Boston* (1856), 344. (v.) St. Giles: *Pipe Roll*, 1 Ric. I. (ed. J. Hunter, 1844), p. 5.

[2] Bacon, *Annals of Ipswich*, 6.

[3] *Rot. Parl.* ii. 85 *b*.

[4] Morley, *Bartholomew Fair*, 17.

[5] M. Paris, *Chronica Majora*, v. 297.

[6] *Rot. Hund.* i. 320 *a*. Similarly Stafford: *Patent Rolls*, 1381–1385, p. 145.

[7] For continental analogies, cf. Huvelin, *Essai historique*, 45 (*n.* 2).

[8] *Hist. MSS. Comm. Wells*, i. 430; *ibid.*, 10th Rep. App. iii. 185.

[9] Ballard, *Borough Charters*, 173. Henry III. removed the fair at Northampton from the churchyard: *Assoc. Archit. Soc. Reports*, xvi. 73.

to be held within churchyards [1]. Edward I. issued a general prohibition in the Statute of Winchester (1285), which enacted that "from henceforth neither fairs nor markets be kept in churchyards for the honour of the church" [2]. It is seldom safe, however, to regard mediaeval legislation as an index to anything more than the intentions of the legislator. There is at any rate evidence that as late as the fifteenth century the churchyard was still the resort for buyers and sellers. At Exeter merchants who brought their merchandise to town to sell in times of fairs were accustomed, "when that great multitude of people . . . cometh to the city, to lay open, buy and sell divers merchandises in the church and cemetery" [3]. Again at Worcester the prohibition was renewed as late as 1497 [4].

Desecration of the Sabbath.

The injunction against the desecration of the church was extended to the desecration of the Sabbath day. In 1449 a petition in parliament [5] complained of the practice in terms that vividly depict for us the life of a mediaeval fair: "For great earthly covetise the people is wilfully more vexed and in bodily labour defouled than in other festival days, as in pitching and making their booths and stalls, bearing and carrying, lifting and placing their wares outward and homeward, as though they did nothing remember the horrible defiling of their souls in buying and selling, with many deceitful lies and false perjury, with drunkenness and strifes, and so specially withdrawing themselves and their servants from divine service". As early as the tenth century a vigorous effort was made to prevent the holding of markets on Sundays. In the laws of Edward and Guthrum (*c.* 921) it was enacted that if any one presumed to engage in traffic on Sunday, he should forfeit the chattel and a money penalty besides. Athelstan (*c.* 925) ordained "that no marketings be on Sunday"; a later Witan apparently rescinded this (*c.* 929–939), but subsequently in 1008 and 1014 it was again reiterated: "Let Sunday's festival be rightly kept", "and let Sunday's

[1] A. Wood, *City of Oxford* (ed. A. Clark, 1890), ii. 31 (*n.* 2).
[2] *Statutes*, i. 98.
[3] *Letters of John Shillingford*, 93.
[4] Green, *Worcester*, ii. App. lxi.
[5] *Rot. Parl.* v. 152 *a*; *Statutes*, ii. 351.

marketings be strictly forbidden"[1]. The laws of the Northumbrian priests also forbade "Sunday marketing and all gatherings of the people and all labour and travelling"[2]. Legislation, however, was ineffectual in extirpating a practice so deeply rooted; and in Domesday Book the market of St. Germains in Cornwall is distinctly stated to have been held on Sunday[3]. Neither the Norman Church nor the Norman kings appear to have regarded Sunday marketing with disapproval. The Conqueror granted to the monks of Battle a market every Sunday[4], and in 1201 a charter of Wells granted that there should be a free market every Sunday, "as there is now and is wont to be"[5]. In the thirteenth century a renewed attempt was made to compel the observance of the Sabbath. The abbot of Flaix was sent by Innocent III. to England to put an end to all buying and selling on Sundays, and for a time his preaching met with success at London[6], Bury St. Edmunds[7], and "many other places throughout England". His work, however, was soon undone, to the indignation of the monkish chronicler, despite the fact that a large number of markets were under ecclesiastical control[8]. Everywhere men continued to buy and sell at a time when "they ought to be at divine service, minding their souls' welfare"[9]. At Norwich in 1380 it was "granted by the whole community that the market for the sale of victuals shall be . . . every Sunday as anciently used", but in 1422 the order was rescinded[10]. In the reign of Henry VI. an act was placed on the statute-book, reviving the old legal enactment with a proviso in favour of "necessary victuals" and "the four Sundays in harvest"[11]. But Sunday marketing did not die out, and in parts of the country survived the close of the

[1] Liebermann, *Gesetze*, i. 132, 164, 171, 240, 265.
[2] D. Wilkins, *Leges Anglo-Saxonicae* (1721), 101, No. 55.
[3] *Domesday Book*, i. 120 *b*.
[4] Davis, *Regesta Regum*, i. 16.
[5] Ballard, *Borough Charters*, 171.
[6] *Chronica Magistri Rogeri de Houedene*, iv. 123.
[7] *Chronica Jocelini*, 98.
[8] M. Paris, *Chronica Majora*, ii. 465. The market at Cirencester was held on Sunday in the thirteenth century, though owned by the abbot: *Trans. Bristol and Glouc. Archæol. Soc.* ix. part i. 300 (*n.* 2).
[9] *Patent Rolls*, 1381–1385, p. 506.
[10] *Records of Norwich*, ii. 87, 406.
[11] *Statutes*, ii. 351.

sixteenth century. A petition from the preacher at Bishop's Castle in Shropshire addressed to Lord Burghley (1595) lamented that "contrary to the express word of God, and contrary also to the laws of this realm, the fairs holden not only in the town of Bishop's Castle, but also *for the most part in all other towns in Wales and the Marches thereof* . . . are holden upon the Sunday . . . and where in all the chief cities and towns of this realm . . . the same great abuse is reformed, and remaineth unreformed chiefly in Wales and the Marches"[1]. The *Acts of the Privy Council* (1580) contain a letter of thanks to the bishop of Chester, "with their lordships' resolution touching fairs and markets kept on the Sabbath day"[2]. At Enfield a meat market was held in the churchyard on Sunday before service according to "an old and ancient usage", and in 1586 the inhabitants petitioned to be allowed to retain it. They recounted their troubles with much bitter complaint of the vicar, who one Sunday "in a very outrageous manner, ill-beseeming a man of the Church", had thrown the butcher's meat on the ground, "most pitiful to behold", and also threatened to kill him even "if he hanged for it half an hour afterwards". He followed up this exploit with a sermon preached "in a most melancholy and angry vein", until his uncomfortable auditors did "wish themselves at home"[3]. Again at Battle the Sunday market was not changed to Thursday till the end of Elizabeth's reign[4], and the persistence of the practice affords a further illustration of that conflict between law and custom, which constitutes one of the most interesting developments of the later Middle Ages. We are apt to assume too readily that the promulgation of a law initiated a new departure, or embodied a change already partially or completely accomplished. But mediaeval statutes are often more valuable for the light they throw upon the aspirations of the moment, than they are trustworthy as a guide to actual economic practice. This is a truth of which we shall be reminded in more than one connexion.

Sunday marketing in the sixteenth century.

[1] Ellis, *Introduction to Domesday Book*, i. 254 (*n.* 2).
[2] *Acts of the Privy Council*, 1580–1581, p. 125.
[3] *Vict. County Hist. Middlesex*, ii. 86.
[4] *Sussex Archæol. Collections*, xxxvi. 184.

Duration of the fair.

Questions affecting the duration of the mart were of vital moment to the lord and to the trader. On this account they merit some attention, for from the apparently dry and insignificant details gleaned from records and charters, civil pleadings and inquisitions, is built up the living story of the growth of English commerce. The market, held once a week and occasionally more often[1], lasted a single day; the fair was an annual institution, though several fairs were sometimes held in the same place during the course of the year. Nottingham had two fairs; Eton College two; Bristol and Cardiff had three; and Wells four, which belonged to the bishop[2]. The duration of the fair varied considerably in different parts of the country; sometimes it was limited to two, three and four days, but more commonly it was spread over a week[3]. Frequently the period of the original grant was lengthened by royal favour. In 1096[4] William Rufus bestowed upon the bishop of Winchester the fair of St. Giles to last for three days; Henry I. prolonged it to eight days, Stephen to fourteen, and Henry II. to sixteen; in 1269 the bishop purchased a further extension of eight days by the payment of £60[5]. At Coventry the fair lasted only one day until Henry VI. increased it to eight days[6]. As English trade developed and the needs of society grew apace, the tendency was for the fair to become more and more important and to extend over longer periods of time. From this standpoint the protraction of the fair has a marked significance, and it became increasingly common for the fair to extend over a month. The burgesses of Hull[7] received from Edward I. a fair of thirty days, and

[1] Hull had a market on Tuesdays and Fridays: *Charters of Kingston upon Hull*, ed. J. R. Boyle (1905), 3. Folkestone also had two markets: *Patent Rolls*, 1388–1392, p. 184. Lincoln had markets on three days in the week: *Royal Charters of Lincoln*, 54.

[2] (i.) *Records of Nottingham*, i. 59; (ii.) *Rot. Parl.* v. 78 *b* (Eton); (iii.) Latimer, *Bristol Charters*, 31-32; (iv.) *Records of Cardiff*, ii. 71; (v.) *Hist. MSS. Comm. Wells*, i. 259.

[3] *Patent Rolls*, 1345–1348, pp. 527, 530.

[4] *Charter of Edward III.*, ed. G. W. Kitchin (1886), 43.

[5] *Patent Rolls*, 1266–1272, pp. 365, 366.

[6] *Hist. MSS. Comm.* 15th Rep. App. x. 119. John granted a fair to Newcastle for two days, and Edward II. extended it to twenty-eight: *Proceedings of the Archæol. Institute, Newcastle* (1852), 33.

[7] *Charters of Hull*, 3.

Edward III. granted to Northampton [1] a fair of four weeks. But any extension of the fair required the royal licence [2], and without it the extension was illegal and involved the forfeiture of the franchise to the Crown. In 1293 the royal escheator seized into the king's hands the fair of St. Giles, "together with the tolls and other profits accruing from it", and refused to surrender it on the ground that the bishop had held the fair beyond its proper term imposed in the charter. The king restored it to the bishop 'de gratia sua speciali', but with the caution not to repeat his offence [3]. The king's jealous apprehensions were shared by the townsmen with whose commercial monopoly the holding of the fair conflicted, and in an agreement between the prior of Lenton and the burgesses of Nottingham the former was induced to lessen the great fair of Nottingham by four days [4]. Similarly the Oxford fairs of St. Frideswide and Austin Friars were limited to eight days [5].

Removal of fairs and markets.

Equally stringent was the exercise of the royal control in other directions. It is common to meet with petitions praying for an alteration in the time of holding the fair [6], for sometimes the fair did not flourish because the feast on which it was held was observed as a holiday in the town alone and not in its neighbourhood [7]. The king's sanction was always needed to make the change valid, and Bracton [8] expressly states that the justices itinerant should make inquiry "of markets removed from one day to another

[1] *Records of Northampton*, i. 66. Similarly the fair of Westminster lasted 32 days: *Patent Rolls*, 1292–1301, p. 589.

[2] *E.g.* the bishop of Lincoln petitioned for an extension of his fairs of Banbury and Newark: *Rot. Parl.* ii. 439 *a*. Again in 1250 the fair of St. Giles was granted temporary extension by letters patent: *Patent Rolls*, 1247–1258, p. 74. The bishop of Worcester was allowed to extend his fair from eight to sixteen days: *Charter Rolls*, ii. 329.

[3] *Rot. Parl.* i. 97 *a*. Similarly St. Botolph's fair: Thompson, *Boston*, 52. Edward III. forbade the extension of the fair beyond the time fixed by charter or prescription: *Statutes*, i. 260, 266.

[4] *Records of Nottingham*, i. 61.

[5] *Records of Oxford*, 169. The town's dislike of fairs is illustrated by the survival of a curious custom at Manchester: S. Hibbert-Ware, *History of the Foundations of Manchester* (1848), iv. 41.

[6] *Rot. Parl.* i. 434 *b*, 477 *a*. [7] *Patent Rolls*, 1429–1436, p. 248.

[8] Bracton, f. 117. Cf. *Statutes*, i. 234. At Lancaster the market and fair were temporarily confiscated because held on the wrong day: *Placita de Quo Warranto*, 384.

without the licence of the king". He allows, however, that a lord may change a market held on Sunday to some other day in the week, but if this concession is anything more than merely a legal opinion it was certainly a recent development. In earlier reigns there are numerous instances of pecuniary amercements being imposed whenever the market-day was changed from Sunday without warrant[1]. Similarly the royal licence was necessary to transfer a fair or market from one place to another. The abbot of Holmcolstran[2] was allowed to remove his fair and market to his town of Kirkeby-Johan; he had paid a fine of a hundred marks to hold them at Skynburnese, but now both the town and the road leading to it were washed by the sea.

Distance between neighbouring fairs.

There was considerable antagonism between the fairs and markets of the different localities, an antagonism which has its counterpart in the struggle of the towns to assert their supremacy over one another. The lord of a market or fair was jealous of any encroachment upon his liberties, which might diminish their value or lessen their profit. Sometimes the grant expressly forbade a rival market to be set up in the neighbourhood; in his charter to the minster at Peterborough[3], Edgar ordered that there should be no other market "betwixt Stamford and Huntingdon". At other times the burgesses themselves tried to control the erection of new markets by proclaiming "that no foreign fair or market may be raised in the vicinity of the borough, to the injury of the fairs and markets of the borough"[4]; while the Church obtained papal injunctions safeguarding its privileges[5]. More commonly, however, a proviso protecting local interests was inserted in the charters by which the grants were conferred, and an inquisition *Ad quod damnum* was held to ascertain whether the new mart conflicted with those already established. As early as 1206 two charters of King John,

[1] *Plac. Abbrev.* 36 *b*, 41 *a*, 43 *a*, 71 *b*; *Select Pleas of the Crown* (Seld. Soc. Pub.), i. 20. Bracton's opinion seems supported by a case in 1221 where no objection was raised to the change: *Pleas of the Crown for Gloucester*, 12.

[2] *Rot. Parl.* i. 161 *b*.

[3] *Anglo-Saxon Chronicle*, A.D. 963.

[4] *The Colchester Oath Book*, 28.

[5] *E.g. Cart. Monast. de Rameseia*, ii. 137. Cf. also *Early Yorkshire Charters*, ed. W. Farrer (1914), i. 106.

granting a fair to the bishop of Llandaff and confirming a market at Highworths in Wiltshire, contained the clause: "so that it be not to the injury of the neighbouring markets and fairs" [1]; and subsequently this became a stereotyped formula. But it was not easy to determine with precision what exactly constituted either an injury or a neighbouring market. In this connexion the following passage in Bracton[2] is of primary importance: "A market may be called neighbouring and the nuisance tortious"[3], if "raised within six miles and a half and the third of a half. And the reason is, according to the saying of the elders, because every reasonable day's journey consists of twenty miles. The day's journey is divided into three parts. The first part, that of the morning, is to be given to those who are going to the market. The second is to be given to buying and selling, which ought to be sufficient to all, unless they be merchants who have stalls where their goods are deposited and exposed for sale, to whom a longer delay in the market may be necessary. But the third part is left for those returning from the market to their own homes, and for doing all those things which must be done by day and not by night, on account of the snares and attacks of robbers, that all things may be in safety. When therefore a market has been obtained within such a limit, it will have to be levelled since it is a hurtful and tortious nuisance, because it is so near". Bracton's doctrine is supported by Edward III.'s charter to London in 1327, in which he granted that no market should be conceded to any one within a seven miles' radius of the city[4], and also by a sixteenth-century charter to Boston[5]; but practices conflicted in different parts of the country. In 1281 the king's attorney laid it down[6] that "a market ought to be five miles distant from another

[1] *Records of Cardiff*, iii. 8 (Llandaff); *Hist. MSS. Comm. Rutland*, iv. 55.

[2] Bracton, f. 235.

[3] *I.e.* an action lies at civil law for the recovery of damages.

[4] *Letter Book F*, 126. Similarly the charter of Yarmouth forbade markets within seven *leagues*: *Rot. Parl.* ii. 334.

[5] Thompson, *Boston*, 346.

[6] *Placita de Quo Warranto*, 184. "An ancient claim of the citizens" of York was that "by the law of the land no man ought to have a free borough, market or fair unless it be distant . . . at least six miles": Drake, *Eboracum*, 257.

market"; while again a market at Lyme [1] was condemned on the ground that it was "distant more than five miles, but less than six", from that of Bridport.

Rival centres of traffic.

The competition between rival centres of traffic was carried on with remarkable vigour in the centuries that followed the Norman Conquest, and legal doctrines were unable to restrain their growth within moderate limits. In the presentments of juries many complaints are raised as to the infringement of existing claims. Already in Domesday Book [2] we are told how "in this manor there used to be a market . . . and it was held on Saturday; and William Malet set up another market on the same day in his castle, and thereby the bishop's market is so spoilt that it is of little worth". In 1324 Dunwich [3] alleged that it was impoverished by the grant of fairs and markets to religious persons and others; and a few years earlier (1304) Newcastle-upon-Tyne complained that the prior of Tynemouth held a fair for fifteen days at which ships now discharged their cargoes, since it was nearer the harbour [4]. Most striking of all was the attempt on the part of London to compel all traders to resort to its markets, by forbidding its citizens to attend any fair or market outside the city [5]. This ordinance aroused the utmost alarm, and it was declared that, if persisted in, it would "be to the utter destruction of all other fairs and markets within the realm" [6]. The men of Bristol made a similar attempt to crush their rival at Bath [7]. Where the rivalry of the markets was at its height, the hostility excited by the struggle frequently culminated in open conflict. The account given by a mediaeval

[1] *Placita de Quo Warranto*, 185.

[2] *Domesday Book*, ii. 379. Compare *ibid.* i. 120 *b*, where the market was "reduced to nothing" on account of the market held hard by (*proximum*).

[3] *Rot. Parl.* i. 426 *a*.

[4] Their rivalry was of long standing; quarrels broke out in 1290 and continued in the sixteenth century: *ibid.* i. 26 *b* (1290); *ibid.* i. 165 *a* (1304); W. Illingworth, *Inquiry into Forestalling*, 1800, p. 196 (1292); *Select Pleas in the Star Chamber*, ii. 68.

[5] *Letter Book L*, 240. The Ordinance is dated Feb. 1, 1487; six weeks later (*ibid.* 242) its operation was suspended till Michaelmas, but it was annulled by the parliament meeting Nov. 9, 1487.

[6] *Statutes*, ii. 518.

[7] *Rot. Parl.* ii. 347 *a*. Bristol forbade its citizens to sell merchandise at Bath market, and instituted its own market on the same day.

chronicler throws a vivid light upon the disturbed conditions under which mediaeval trade was carried on. The monks of Ely set up a market at Lakenheath, and refused to entertain either a writ from the king or the energetic protests made by the abbot of St. Edmunds. The abbot therefore decided to take matters into his own hands: "he sent word to his bailiffs that they should take the men of St. Edmunds with horse and arms, and destroy the market; all whom they found buying or selling they should bring away in bonds. So at dead of night there went forth almost six hundred men, well armed, making their way to Lakenheath. But when the scouts gave intelligence that they were coming, all who were in the market dispersed hither and thither, and not one was found. . . . They overturned the butchers' shambles and the stalls in the market and carried them away; and they also seized their cattle and then set off towards Icklingham". The bailiffs of the prior followed, but were compelled to come to terms; shortly afterwards the abbot was summoned to the Court of Exchequer to answer for his deed[1]. An inquest was held, and the jurors returned a verdict that the market at Lakenheath competed with that of Bury St. Edmunds, but "being asked what damage the abbot has sustained the knights replied they do not know, nor can it be known, nor does any one know save God alone"[2].

Municipal authorities superseded.

We are fortunately not without materials for an attempt to reconstruct a picture of the life of a mediaeval fair. A thirteenth-century charter[3], supplemented by other sources,

[1] *Chronica Jocelini*, 99. There was an armed invasion of the market at Abingdon held by the monastery. But here the abbot's retainers met their assailants manfully and drove them away, somewhat to the astonishment of the chronicler: *Chronicon monasterii de Abingdon*, ii. 227-229.

[2] *Select Civil Pleas* (Seld. Soc. Pub.), i. 54. I have ventured to assume that this inquest refers to Lakenheath, but the *Select Pleas* gives Lavenham. The fair of Leominster erected by the abbot of Reading was quashed because it harmed the king's fair at Hereford (*Plac. Abbrev.* 206 *b*). For other examples, see *Rot. Hund.* i. 18 *a* (market set up at Beaconsfield to the prejudice of the king's market at Windsor), etc. The bishop of Ely set up a fair at Ely during "the best time of the fair of St. Ives", and the abbot of Ramsey complained to the king (*Rot. Parl.* ii. 439 *a*); seven years before (1320) the abbot had made a similar protest in parliament: *Chronicon Abbatiae Rameseiensis*, 350.

[3] Kitchin, *Charter of Edward III.*

enables us to depict in some detail the conditions which prevailed while the fair was in progress. At Winchester during the fair of St. Giles the municipal authorities were for the time being entirely superseded, and the bishop set up his own justiciaries who had the keys and custody of the city gates, as well as the cognizance of all pleas touching breaches of law, debts, contracts and even lands and houses in the city. A temporary mayor and bailiffs were instituted to administer the affairs of the town, and a coroner and marshal executed their decrees "without interference or hindrance from any citizen". The jurisdiction of the bishop covered a circuit of seven 'leagues'[1], and here all buying and selling were strictly forbidden except at the fair. Southampton was also included, although it lay outside the circuit, and made numerous attempts to evade the restriction. In 1254 the burgesses promised that no merchandise brought to the town on account of the fair should be sold in fair-time. An exception was made in favour of victuals, but the citizens were not satisfied and shortly afterwards (1258) carried their suit to a court of law. Though they lost their case friction continued, and renewed agreements were drawn up in 1369 and 1406. On the latter occasion the inhabitants of Southampton at length secured the right to buy and sell in the town during the fair of St. Giles[2]. Not only at Winchester, but elsewhere, the custody of the town was surrendered to the lord of the fair. At Oxford the priory of St. Frideswide[3] received into its hands the keys of the gates and the administration of the city, and at Hereford[4] and Norwich[5] the bailiffs of the Church were also substituted for the governing body while the fair lasted, after which the citizens resumed their authority. At the opening of the fair at York, the bailiffs of the

[1] Kitchin, *Charter of Edward III.*, 43. For the term *leuca*, see Seebohm, *Customary Acres*, 82, and Murray, *Oxford English Dict.* It is uncertain whether it means one mile or two.

[2] For the privileges claimed by the bishop, see *Patent Rolls*, 1327–1330, pp. 292-293, and *Rot. Parl.* i. 379 *a*. For the dispute with Southampton, see *Charter Rolls*, i. 445 (1254); *Plac. Abbrev.* 147 *b* (1258); *Hist. MSS. Comm.* 11th Rep. App. iii. 66 (1369) and 77 (1406).

[3] Boase, *Oxford*, 71.

[4] *Plac. Abbrev.* 113 *a*.

[5] *Charter Rolls*, iii. 74.

archbishop came upon the city bridge, and there the bailiffs of the city delivered up their staves as the symbol of their authority; during the interregnum the former kept the peace of the city, collected toll and took all other profits, "as the city bailiffs do at other times as well by water as by land" [1].

Proclamation.

The fair was opened by proclamation. The form of proclamation at Bartholomew fair [2] began with an injunction that all "having recourse to this fair keep the peace" of the king, and proceeded: "That no manner of persons make any congregation, conventicles, or affrays by which the same peace may be broken or disturbed. Also that all manner of sellers of wine, ale, or beer, sell by measures ensealed, as by gallon, pottle, quart, and pint. And that no person sell any bread, but if it keep the assize, and that it be good and wholesome for man's body. And that no manner of cook, pie-baker, nor huckster, sell nor put to sale any manner of victual, but it be good and wholesome for man's body. And that no manner of person buy nor sell, but with true weights and measures, sealed according to the statute in that behalf made [3]. And that no manner of person or persons take upon him or them within this fair to make any manner of arrest, attachment, summons, or execution, but if it be done by the officers of this city thereunto assigned. And that no person or persons whatever, within the limits and bounds of this fair, presume to break the Lord's Day in selling, showing, or offering to sale, or in buying, or offering to buy, any commodities whatsoever, or in sitting, tippling, or drinking in any tavern, inn, alehouse, tippling-house or cook's house, or in doing any other thing that may tend to the breach thereof. And finally, that what persons soever find themselves grieved, injured, or wronged by any manner of person in this fair, that they come with their plaints, before the stewards in this fair, assigned to hear and determine pleas, and they will minister to all parties justice, according to the laws of this land and

[1] *Placita de Quo Warranto*, 221-223; Drake, *Eboracum*, 218.

[2] *Lex Londinensis or the City Law* (1680), 247. The contents of the proclamation were doubtless substantially the same in earlier centuries.

[3] For the clerk of the market, see J. G. Pease and H. Chitty, *The Law of Markets and Fairs* (1899), 10-13.

the customs of this city" [1]. At Southampton [2] the proclamation ended with the words: "Therefore now at noon begin in God's name and the king's, and God send every man good luck and this fair good continuance". The fair came to an end at sunset, and it was then the duty of the marshal to ride through the midst of the fair and proclaim publicly that every trader forthwith shut his stall, and neither sell nor offer for sale his merchandise [3].

Urban nomenclature.

The fair stood in the open fields, and booths and stalls were set up in rows to form streets. At Nottingham [4] the booths were eight feet in length and breadth, and it was sometimes the duty of manorial tenants to furnish the materials and labour required for their construction [5]. Dealers in the same trade were commonly grouped together to favour the convenience of the buyers, to promote competition among the sellers and to facilitate the collection of tolls; at Boston fair [6] the drapers took their stand on the south side, and the wool dealers on the north. Not only were different quarters assigned to each trade, but also separate streets were set apart for foreign merchants or for dealers from the same county or town. At St. Giles's fair the Flemings were located in one street, the men of Caen in another, and traders from Cornwall in a third [7]; while the merchants of Leicester [8], who visited Stamford fair, were bidden to carry their wares "to the shops in which the merchandise of Leicester is usually kept". The regulations of the Oxford market [9] appointed with the most minute

[1] For the proclamation at Stourbridge fair in Mary's reign, see J. Nichols, *Bibliotheca Topographica Britannica* (1790), v. 84. Proclamation at York fair: Drake, *Eboracum*, 218. At Manchester fair: Hibbert-Ware, *Foundations*, iv. 41. At Sheffield fair: J. Hunter and A. Gatty, *History of Hallamshire* (1869), 54 (*n.* 2).

[2] J. S. Davies, *History of Southampton* (1883), 232.

[3] Kitchin, *Charter*, 50.

[4] *Records of Nottingham*, i. 63.

[5] At Boldon every two villeins made one booth for the fairs of St. Cuthbert, and in Aucklandshire the villeins furnished 18 booths: *Boldon Buke* (Surtees Soc.), 4, 26. The tenants of the lord of St. Ives fair provided bundles of rods: *Select Cases concerning the Law Merchant* (Seld. Soc. Pub.), i. p. xxxiii.

[6] *Records of Leicester*, i. 74, 80.

[7] Kitchin, *Charter*, 18. Similarly at St. Ives rows of stalls were assigned to the respective trades, towns and nationalities (*Law Merchant*, i. p. xxxiii).

[8] *Records of Leicester*, i. 79.

[9] O. Ogle, "The Oxford Market", in *Collectanea* (Oxford Hist. Soc.), 2nd ser. 13-16.

detail the different stations for dealers in straw, hay and grass, wood, cattle, earthenware, ale, bread, gloves and leather, dairy-produce, fish and corn; the members of the gild had permanent shops assigned to them in each street, and so we find Apothecaries' Row, Butchers' Row, and Corn-market. The localization of trade has left its record in urban nomenclature, and is perpetuated in the names of streets to this day: in London Bread Street, Milk Street, Fish Street and Honey Lane are situated where originally stood rows of stalls in the market-place. Tenth-century documents show that this trait of mediaeval life was an old one, for Fleshmonger Street, Shieldwright Street, Cheap Street and Tanner Street are enumerated among the streets of Winchester, and they also appear in the Winton Domesday [1]. A twelfth-century description of London [2] sets forth how "men of all trades, sellers of all sorts of wares, labourers in every work, are every morning all set apart by themselves in their distinct and several places". In his *Survey of London* Stow has left us a valuable account of the different quarters of the city, each associated with some famous mistery or trade; the mercers and haberdashers with their shops on London Bridge, the goldsmiths in West Cheap, the drapers in Candlewick Street, the butchers in East Cheap, and the rest also grouped together in their own locality [3]. York is claimed as an exception [4], and apparently here the crafts were not separated. Yet even at York we find Girdlegate, Spurriergate and Tanner Row [5]. Apparently at Coventry also trade was not localized to any great extent [6]. At each step we are reminded that mediaeval town-life was nowhere uniform, and that large generalizations need to be qualified at every turn.

[1] J. Kemble, *Codex Diplomaticus* (1848), iii. 252 (No. 673); vi. 135 (No. 1291). For the Winton Domesday: *Domesday Book*, iv.

[2] *Materials for the History of Thomas Becket* (Roll Series), iii. 2-13.

[3] Stow, ed. C. L. Kingsford (1908), i. 81. The town rental of Bury exhibits a similar localization of trade: *Proceedings of the Suffolk Institute of Archæology*, xiii. part ii. 198. Again at Lenton fair the merchants appear to have been classed according to their wealth or status, 'the best', 'the middle class', and 'the smaller', "each one according to his condition": *Records of Nottingham*, i. 63.

[4] *York Memorandum Book*, i. p. xv.

[5] *English Hist. Review*, ix. 293.

[6] *Coventry Leet Book*, iv. p. xlii.

Sources of market revenues.

One reason for the association of traders in local groups was doubtless to facilitate the collection of tolls; on this account also the townsmen were required to shut up their shops and do their traffic at the fair [1]. At Hereford [2] a dispute arose as to whether burgesses could sell wares in their own houses, provided they paid tolls to avoid loss of revenue to the bishop; the latter resisted the claim on the ground that they would be able to conceal the tolls due to him, and also could 'colour' the goods of merchant strangers. Market revenues were drawn from a threefold source: rents of booths and stalls, tolls on wares bought and sold, and profits of the court held to transact legal business. At

(i.) *Stallage.*

Nottingham [3] cloth merchants, apothecaries, pilchers and mercers paid for each booth twelvepence, and other traders eightpence, "excepting those selling iron". On the other hand, every burgess of Cambridge [4] was allowed a booth in the fair of Stourbridge without stallage, nor was it paid by the men of Northampton [5] when they sold merchandise in their own markets. At Abingdon the unusual claim was advanced that all merchants, townsmen and strangers alike, should be quit of this tax [6]. In the main, however, contro-

(ii.) *Tolls.*

versy raged over the exaction of tolls, and here every locality differed from its neighbour, though the burden of complaint is common to all. Excessive tolls were forbidden by law, and rendered the market or fair liable to be seized into the king's hands [7], but legal records and inquisitions afford eloquent testimony to the regularity with which the prohibition was disregarded. At Bauquell the lord of the manor claimed as market toll a penny from buyer and seller for every horse sold, and the like for an ox, a cow, four sheep, or a horse-load; in fair-time he took double toll. These tolls were pronounced in a court of law to be "superfluous, unjust, and to the oppression of the common people and

[1] Kitchin, *Charter*, 52; J. J. Jusserand, *English Wayfaring Life in the Middle Ages* (1889), 246.

[2] *Plac. Abbrev.* 113 *a*.

[3] *Records of Nottingham*, i. 61.

[4] Cooper, *Annals of Cambridge*, i. 149.

[5] *Records of Northampton*, i. 262.

[6] *Patent Rolls*, 1367–1370, p. 283. Also Wycombe had a fair "for all manner of people to come free without any manner of stallage": J. Parker, *Wycombe* (1878), 29.

[7] *Statutes*, i. 34.

against the common law"; and he was forced to moderate them. He agreed to take from henceforth, for a horse one penny from the buyer only, and the like for a cow or for eight sheep, and one halfpenny for every horse-load; nor were these tolls to be exceeded at fair-time [1]. The men of Lincoln complained that excessive toll was taken from them at Carlisle "to their damage in ten marks yearly, and yet the king's farm for Lincoln is paid in full, wherefore they who have once been bailiffs of Lincoln can hardly rise from poverty and misery" [2]. Another category of complaints was concerned with the imposition of tolls on commodities that claimed to go toll-free, more especially ordinary provisions. This grievance was an old one, for as early as 1086 the Domesday jurors in the North Riding of Lincolnshire [3] presented that tolls were exacted other than those taken in Edward the Confessor's day, namely on bread, fish, hides and many other things. In the Hundred Rolls the complaint is reiterated again and again: at Bosworth, for example, dues were charged on seed-corn and "other small wares of which toll is never wont to be given" [4]. Occasionally we get glimpses of a distinction to the significance of which attention will be drawn later [5], a distinction between merchants who bought to sell again, and 'men of the county' who bought for their household store; the latter claimed to be free from toll altogether [6]. Immunity from toll was sometimes granted by express agreement between the contracting parties [7], and sometimes it was asserted by virtue of a peculiar tenure or charter from the Crown [8]. Herein lay a fruitful source of dissension. The men of Lincoln, for example, claimed to be free at the fair of St. Botolph "from all time of all customs and demands", and when the lord of the fair "attacked and oppressed them from day to day to obtain money by his power", and in particular charged ten pounds as tronage

[1] *Placita de Quo Warranto*, 140. Similarly Meysham, *ibid.* 146.
[2] *Rot. Hund.* i. 317 *a*.
[3] *Domesday Book*, i. 375 *b*.
[4] *Rot. Hund.* i. 239 *b*, 280 *b*.
[5] *Infra*, p. 255.
[6] *E.g. Rot. Hund.* i. 12 *b*.
[7] Agreement between the prior of Lenton and Nottingham (*c.* 1300): *Records of Nottingham*, i. 61-67.
[8] Immunity was claimed by (*a*) tenants of Ancient Demesne, (*b*) Cinque Ports, (*c*) municipal and religious bodies with charters: *infra*, p. 252 *seq.*

for weighing wool, they withdrew from the fair[1]. At Bury St. Edmunds, on the other hand, a compromise was effected by which the citizens of London paid toll but at once received it back; this preserved the privileges of both parties, though the substantial victory lay with the London merchants who had stayed away for two years to the abbot's great loss[2]. The citizens of London were also for a time at variance with the abbot of Waltham who charged them with stallage, on which account they withdrew from the fair for more than three years. Eventually the abbot agreed to restore all the distresses that he had taken from them, and to levy no more stallage for the future[3]. Indeed it was always open to traders to escape unfair exactions by absenting themselves from the fair, or by resorting to evasion. The burgesses of Scarborough[4] complained that fishing merchants and sailors sold their cargoes at sea, and at Dunwich[5] the market was held in the harbour on board the vessels. Henry I. had made an attempt to protect Newcastle from this practice by enacting that "whatever merchandise a ship may bring by sea must be brought to the land, except salt and herrings"[6].

Fair and markets compared.

In one direction the interests of the lord and trader coincided: it was to the advantage of both that commodities should be plentiful, and by their sale bring revenue to the former and profit to the latter. Here, however, an important difference emerges between the fair and the market. In principle they were alike, for each was a periodical gathering, distinct from permanent centres of trade on the one hand and from occasional and irregular marts on the other, but in their degrees of importance they differed widely. The market supplied the wants of the locality and was attended only by the inhabitants of the neighbourhood; its commodities were country produce and

[1] *Rot. Hund.* i. 320 *a*; Thompson, *Boston*, 327. For Lincoln and the abbot of Peterborough, cf. *Rot. Hund.* i. 309 *b*.

[2] *Chronica Jocelini*, 55. For a dispute between Tamworth and Walshale, cf. *Patent Rolls*, 1391–1396, p. 40. The men of the abbot of Abingdon complained of toll taken at Worcester: *Plac. Abbrev.* 120.

[3] *De Antiquis Legibus Liber*, 29. [4] *Rot. Parl.* ii. 221 *a*.

[5] *Ibid.* iii. 254 *a*; this deprived the burgesses of their toll.

[6] Ballard, *Boroughs Charters*, 168.

the wares of everyday life. The fair was often of national, and sometimes of international repute, and its stalls exposed for sale everything that was rare and costly. A statute of Henry VII.[1] relates that: "There be many fairs for the common weal of your people" who resort to them "to buy and purvey many things that be good and profitable, as ornaments of Holy Church, chalices, books, vestments, . . . and also for household, as victuals for the time of Lent and other stuff as linen cloth, woollen cloth, brass, pewter, bedding, osmund, iron, flax, and wax, and many other necessary things, the which might not be forborne". Foreign wares could only be purchased at fair-time, and traders flocked to these shores from all parts of Europe; merchants from Venice and Genoa with costly spices from the East and silks and velvets and "things of complacence", the Flemish weaver with linen cloth, the Spaniard with iron, the Norwegian with tar, the Gascon with wine, and the Teuton with furs and amber[2]. At the fairs also was gathered native produce—wool, the source of England's wealth in the Middle Ages, tin from Cornwall, salt from the Worcestershire springs, lead from the Derbyshire mines, iron from the Sussex forges[3], and cloth which the drapers were wont to purchase "at home and abroad about Michaelmas for the fairs ensuing"[4]. Here the bailiff purchased his farm implements and store of salt and sheep-medicines and fish for Lent[5], the noble his armour and steed and falcons[6], the lady her robes and dresses[7]. Of the eager, active life of the fair we may learn something from the vivid glimpses we get of the London markets in the well-known ballad, "London Lykpenny"[8]:

[1] *Statutes*, ii. 518.
[2] Thorold Rogers, *Agriculture and Prices*, i. 142.
[3] *Ibid.*
[4] *Letter Book F*, 229.

[5] The bailiff was apt to seize the pretext of the fair to neglect his duties, and presentments were ordered to be made of those in the habit of "always haunting fairs and taverns": *The Court Baron*, 103.

[6] Falcons were bought for the king's use at the fairs of Lynn, Yarmouth, Derby and Boston in 1253: *Patent Rolls*, 1247–1258, p. 175. Similarly: *ibid.* 1258–1266, p. 84.

[7] Walter of Henley, *Husbandry*, 145. A remarkable list of commodities sold at fairs is enumerated in "Dives Pragmaticus" (1563), in *Fugitive Poetical Tracts*, ed. W. C. Hazlitt (1875).

[8] *Minor Poems of Lydgate*, ed. J. O. Halliwell (1840), 105. Lydgate's authorship is rejected by H. N. MacCracken, *Minor Poems of Lydgate* (1911), p. xlvii.

"Then to the Chepe I began me drawne,
Where mutch people I saw for to stande;
One ofred me velvet, sylke and lawne,
An other he taketh me by the hande,
'Here is Parys thred, the fynest in the land';
I never was used to such thyngs indede,
And wantyng mony I myght not spede.
Then went I forth by London stone,
Throughout all Canwyke streete;
Drapers mutch cloth me offred anone . . .
Then I hyed me into Est-Chepe;
One cryes rybbes of befe, and many a pye;
Pewter pottes they clattered on a heape;
There was harpe, fyfe, and mynstrelsye . . .
The taverner took mee by the sleve,
'Sir', sayth he, 'wyll you our wyne assay?'"

Importance of the fair.

The importance of the fair is indicated not only in the attendance of foreign traders[1], but by the fact that the ordinary activities of municipal life were commonly suspended while the more important fairs were being held. At London the court of Husting suspended its sittings during the fairs of Bartholomew, St. Giles[2] and St. Botolph[3], and at Leicester the members of the merchant gild were excused from attendance on the same ground[4]. But the significance of the fair lies deeper. It was a cosmopolitan gathering, and association with men from distant parts must have enormously broadened the horizon and widened the outlook of those who frequented it. As the common hearth of the nation it must have fostered mental progress, and stimulated a keen and active interest in the world that lay beyond.

The profits of jurisdiction constituted the third source

[1] Thus at St. Ives fair (1270–1315) there were present merchants from Cologne, Douai, Ypres, Ghent, Rouen, Bruges, St. Omer, Caen, Dinant, Louvain and Malines: *Law Merchant*, i. 9, 26, 91, 93.

[2] Riley, *Liber Albus*, i. 321.

[3] Riley, *Memorials of London*, 637.

[4] *Records of Leicester*, i. 33. At Cambridge the day of municipal elections was changed so as not to clash with Stourbridge fair; Cooper, *Annals of Cambridge*, i. 287. Similarly the parlement of Paris did not sit during the famous fair of St. Denis: Morley, *Bartholomew Fair*, 16.

of the lord's revenue, for a judicial tribunal, held to transact legal business and to settle disputes among traders, was an integral element in the organization of every fair and market. This was the piepowder court, or court of the dusty feet, so called from the attendance of wayfaring merchants who went from mart to mart and could not await the sitting of the regular courts[1]. On the continent[2] the concession of a market was usually accompanied by the right to hold a court, and in England it is common to find judicial privileges expressly granted in the charter. William the Conqueror gave to the monks of Battle a market with the words: "Those who resort to the market are to answer to no one but the abbot and monks; the abbot and monks to no one but God"[3]. This, if not a subsequent interpolation, would imply the authority to set up a local tribunal. The charter of St. Ives contained a significant phrase: "with sac and soc and infangthef, just as any fair has in England", an indication perhaps that the court had already become the recognized appurtenance of a fair[4]. Apparently there grew up the conception of a customary fair-right embodying definite usages, for in the Staffordshire Hundred Rolls[5] the jurors presented that a lord had a fair and market "and whatever appertains to the fair or market". The right to hold a court, if only conjecturable in the case of some earlier grants[6], is expressly included in later ones[7], and in the fifteenth century was legally recognized by statute[8]: "To every fair is of right pertaining a court of piepowder to minister in the same due justice in this behalf; in which court it hath been all times accustomed that every person coming to the fairs should have lawful remedy". Hence, as

(iii.) *Profits of jurisdiction.*

[1] C. Gross, "The Court of Piepowder", in *Quarterly Journal of Economics*, xx. 231; partly reprinted in *Law Merchant*, vol. i.

[2] Huvelin, *Essai historique*, 382.

[3] Davis, *Regesta Regum*, i. 16. A charter of Edgar conferred 'sac and soc': *Anglo-Saxon Chronicle*, A.D. 963.

[4] *Cart. Monast. de Rameseia*, i. 240. Compare *Quarterly Journal of Economics*, xx. 234.

[5] *Wm. Salt Archæol. Soc. Collections*, v. part i. 112.

[6] It is obviously inferable from a clause in a charter of 1280: the wardens appointed by the abbot of Westminster for the fair "shall show full justice" to complainants: *Charter Rolls*, ii. 239.

[7] *Patent Rolls*, 1467–1477, p. 422.

[8] *Statutes*, ii. 461.

Coke explains, the franchise of a market or fair carried with it "without any grant" the right to hold a court [1].

The Piepowder Court.

The holding of a piepowder court was not the prerogative of the fairs alone; they were often set up in boroughs to provide expeditious justice "for merchants and foreigners passing through" in matters affecting "covenants, contracts, trespasses and debts" [2]. The promise of speedy justice was one of the concessions extended to aliens in the *Carta Mercatoria* (1303) [3]. Cambridge held a court "between merchants and merchants concerning their merchandises" from day to day and from hour to hour, according to the exigencies of the complaint [4]. London also took measures to facilitate speedy judgment in order that foreign merchants might not be delayed by a long series of pleadings [5]. The laws of the Scottish boroughs contain the familiar injunction that if a plea arose between a burgess and a merchant, it should be determined before the third tide [6]; and the laws of Oleron allowed a suit to be deferred for seven days, except in the case of one "passing on his way, to whom justice ought to be done forthwith" [7]. It has been said that where the piepowder court sat as a special session of the borough moot, pleas between burghers were excluded from its jurisdiction [8]; but it appears questionable whether in actual practice a hard and fast line was drawn. At Bristol burgesses could plead against each other in the same way as strangers did: "from day to day, without writ, according to the custom of the town" [9]. We may conjecture, however, that the court of the fair was generally held at more frequent intervals. At Ipswich the pleas of strangers were heard in fair-time from hour to hour; at other times from day to day [10].

[1] Coke, *Second Part of the Institutes*, 220.
[2] M. Bateson, *Borough Customs* (1904), ii. 189.
[3] *Infra*, p. 451.
[4] *Cambridge Borough Charters*, 85.
[5] Riley, *Liber Albus*, i. 295.
[6] *Borough Customs*, ii. 184. Similarly Newcastle (Ballard, *Borough Charters*, 217) and Faversham (*Plac. Abbrev.* 140 *b*).
[7] *Black Book of the Admiralty* (Roll Series), ii. 255.
[8] Gross in *Quarterly Journal of Economics*, xx. 238.
[9] *Borough Customs*, ii. 183.
[10] *Black Book of Admiralty*, ii. 23. For London, cf. W. de G. Birch, *Historical Charters of London* (1884), 83.

Its organization and functions.

The president of the court was the mayor or bailiffs of the borough, or the steward where the franchise was not under municipal control. With the president, who executed the judgment of the court, was associated a varying number of assessors who helped to administer justice, and in cases affecting alien merchants half of them were drawn from aliens present at the fair [1]. These assessors were themselves merchants, and in accordance with mediaeval procedure they were the suitors who gave the verdict, and—whenever difficulties arose—declared the law [2]. There was commonly, though not invariably [3], an appeal from their judgment to the supreme courts. The competence of the court covered a great variety of pleas arising from debts, contracts, trespasses, breaches of the assizes of bread and ale [4]; sometimes it also extended to pleas of land [5], but pleas of the Crown [6] were excepted. Besides commercial litigation, it dealt with the collection of tolls and the maintenance of peace and order. Offenders were presented for assault [7], for opprobrious epithets, and for undue encroachment: for example, "annoying the beast market with carts" [8]. The elements of knavery and simplicity were markedly present, one man confessing that he had sold a ring of brass saying that it was of purest gold and that he and a one-eyed man found it in the church near the cross [9]. The authority of the court was supported by a constabulary force which also did watch service, and each township sent

[1] *Quarterly Journal of Economics*, xx. 243. This is also laid down in the *Carta Mercatoria* (*infra*, p. 451).

[2] Compare *Select Pleas in Manorial Courts*, i. 153: "Let all the merchants of all the commonalties that are in the fair of St. Ives be summoned before the steward to adjudge" a certain case.

[3] *E.g. Ricart's Kalendar*, ed. L. T. Smith (1872), 101.

[4] *Statutes*, ii. 461. For the court rolls of St. Ives, see *Law Merchant*, vol. i., and *Select Pleas in Manorial Courts*, i. 130 *seq.* For a brief record of Melcombe Regis in 1397, see *Hist. MSS. Comm.* 5th Rep. 577-578.

[5] A treatise on the "Lex Mercatoria," in *The Little Red Book of Bristol*, ed. F. B. Bickley (1900), i. 57, states that it applied only to movables, but contrast Kitchin, *Charter*, 53.

[6] *E.g. Patent Rolls*, 1324–1327, p. 28.

[7] *E.g. Hist. MSS. Comm.* 6th Rep. 574. Other examples: *Law Merchant*, i. 17, 29; *Select Pleas in Manorial Courts*, i. 138.

[8] *Records of Leicester*, iii. 275.

[9] *Select Pleas in Manorial Courts*, i. 139. For pickpockets, cf. *Select Coroners' Rolls* (Seld. Soc. Pub.), 131.

its contribution as part of its manorial obligations[1]. At Chester a knight's fee was held on condition of finding a horseman to do guard at the fairs[2]. In ordinary times the peace of the fair was doubtless sufficiently well maintained, but there is abundant evidence to show how stubbornly men learnt in a rude age to respect the person of the trader and the peace of commercial life. The Statute of Northampton (1328) forbade men to ride armed in fairs and markets[3]; how effective the act proved may be gauged from a petition in Chancery in the reign of Richard II. which tells how the market at Malton was invaded by an armed band, "arrayed with habergeons and palets, bows and arrows, swords and daggers"[4]. Complaint was also made in parliament of malefactors who disturbed the peace of the different marts and molested the travellers who resorted to them[5]. In 1450 the chronicler records that the sheriffs and aldermen of London attended Bartholomew fair with three hundred men to give protection to the traders and country folk: "For the world was so strange that time, that no man might well ride nor go in no coast of this land without a strength of fellowship, but that he was robbed"[6]. Nor was the mediaeval trader always averse from giving or receiving hard blows. Strife was easily stirred up between rival communities, and in 1260 a serious affray broke out at the fair of Northampton between the inhabitants of the town and the citizens of London[7].

It is important to observe that the competence of the

[1] *Law Merchant*, i. 11, 12, 41, 75.

[2] *Cal. Inquisitions post mortem*, iv. 179.

[3] *Statutes*, i. 258. For a complaint of its non-observance, see *Patent Rolls*, 1350–1354, p. 521.

[4] *Select Cases in Chancery*, 84. St. Botolph's fair was attacked by bandits in 1285: D. Macpherson, *Annals of Commerce* (1805), i. 448. For Lydington fair, see *Patent Rolls*, 1364–1367, p. 361.

[5] *Rot. Parl.* iii. 445 (1 Hen. IV.).

[6] "Robert Bale's Chronicle", in *Six Town Chronicles*, ed. R. Flenley (1911), 135. In his famous panegyric of the English character, Fortescue boasts that "there were more men hanged in England in a year for robbery and manslaughter than there be hanged in France for such manner of crime in seven years. There is no man hanged in Scotland in seven years together for robbery. . . . But the Englishman is of another courage": Fortescue, *The Governance of England* (ed. 1885), 141.

[7] *De Antiquis Legibus Liber*, 46.

court was not limited to the incidents which occurred within the fair itself, and the statement [1] that debtors were protected at fair-times from distraint cannot be accepted. The language of the charters is certainly explicit, and would incline us to suppose that debtors enjoyed immunity from arrest as a matter of course. In reality, however, not only were debtors responsible at a fair for debts contracted elsewhere at other times and other places, but their liabilities were shared by the members of their community. At the fair of St. Ives in 1324 a plea was moved for the recovery of a debt incurred in 1321 at Cambridge [2]. In 1265 a burgher of Lynn exported to Flanders a quantity of wool which was seized by the authorities, and five years later he sought redress from some Flemish merchants trading at the fair [3]. At another time the traders of Leicester were distrained for a debt contracted by one of their number at Leicester three years before; their defence was not, as might be expected, to call in question the legality of their attachment, but a denial that the debtor belonged to their community [4]. Again, at St. Botolph's fair an attempt was made to arrest burgesses of Norwich for debts incurred by their fellow-townsmen [5]. The practice of hearing pleas on matters outside the immediate province of the court easily lent itself to abuse, and tended to become oppressive. In the Good Parliament of 1376 the Commons complained that the bailiffs of fairs and markets attached men, denizens and aliens alike, in their courts for debts, trespasses and covenants done outside their jurisdiction and for things not relating to trade, in order to get the profits of the pleas [6]. A century later a similar indictment was framed in the well-known statute of Edward IV. (1478), by which no steward was to hold plea on any action unless the plaintiff took oath that the contract was made "in the time and jurisdiction of

Distraint upon debtors.

[1] Bateson in *Borough Customs*, ii. p. xlvii: "There were times when . . . those who owned debt in the borough would be admitted under special protection from distraint,—to wit, the fair-times—and these were always a close season for distress-taking".

[2] *Law Merchant*, i. 107.

[3] *Ibid.* i. 9.

[4] *Select Pleas in Manorial Courts*, i. 145; cf. also *ibid.* 152, 153, etc. The verdict went against them.

[5] F. Blomefield, *Norfolk* (1806), iii. 51.

[6] *Rot. Parl.* ii. 357 *a*.

the fair" [1]. At the same time the proviso was inserted in charters that the steward appointed to hold the court should be "learned in the law of the land" [2]. But it is improbable that the law of 1478 succeeded in extirpating a practice so deeply rooted for centuries. A hundred years later it was still necessary in many towns to repeat the injunction that no one should be arrested or troubled in fair-time, unless for bargains contracted within the precincts of the fair [3].

Curtailment of piepowder jurisdiction.

While the jurisdiction of the court was extended in one direction, it was curtailed in another. Town charters, as we have seen, exempted burgesses from pleading without the borough walls, but their immunity did not extend to piepowder jurisdiction at fairs [4]. On the other hand, some towns obtained the right to appoint their own burgesses as judges. The citizens of London in virtue of Henry III.'s charter (1268) claimed to have their own wardens at every fair in England [5]—five at Boston, six or seven at Winchester [6]—to determine all pleas in which they were concerned, and they refused to answer to a suit in any court other than their own [7]. This claim brought them into conflict with the University of Cambridge (1419), when they objected to bring their weights before the chancellor at Stourbridge fair to be examined by his authority [8]. Two or three Dorsetshire boroughs, Melcombe Regis, Lyme Regis and *Nova Villa* [9], acquired the same privilege, and their charters contained a clause that disputes at fairs affecting their burgesses were to be settled by their fellow-townsmen. Further, many of the London companies, the Embroiderers, the Horners, the Leathersellers, the Pewterers, the Skinners [10], exercised the right of search for false wares

[1] *Statutes*, ii. 461. The act was made perpetual in 1 Ric. III. c. vi.
[2] *Patent Rolls*, 1467–1477, p. 438.
[3] G. Roberts, *Lyme Regis* (1834), 60 (1553); *Borough Customs*, i. 106 (Lancaster, 1562); Thompson, *Boston*, 344 (1576).
[4] For a dispute over this point, see *De Antiquis Legibus Liber*, 48.
[5] Birch, *Charters of London*, 38.
[6] *Letter Book D*, 233; *ibid. E*, 239, 260.
[7] *E.g. Select Pleas in Manorial Courts*, i. 155-156.
[8] *Letter Book I*, 216; Cooper, *Annals of Cambridge*, i. 163.
[9] *Charter Rolls*, ii. 223, 282, 337.
[10] (i.) Embroiderers: *Rot. Parl.* iv. 255 *a*. (ii.) Horners: *Rot. Parl.* v. 567 *a*. (iii.) Leathersellers: W. H. Black, *History of the Leathersellers'*

throughout all the fairs of England, while the Coverlet-makers of York were empowered to make search in the fairs and markets north of Trent[1]. The Merchant Taylors attended the great "Cloth Fair" of Bartholomew with their standard, the "silver yard" measure, until its abolition in 1854[2]. As a result disputes naturally arose between the wardens of the company and the lord of the fair as to the disposal of confiscated goods. In the case of the Leather-sellers forfeitures were divided between the wardens and the owner of the franchise, the former receiving half "for their diligent labour"[3]; but the London Pewterers became embroiled with the University of Cambridge on account of their claims to a share in the profits of jurisdiction[4]. Thus the lord of the fair was not completely master within his own house, and sometimes the whole basis of his authority was called in question. At Cambridge there were conflicts between the University and the town over the control of Stourbridge fair. The University had supervision of weights and measures, but the town alleged that it usurped jurisdiction "to the utter decay of the town and the fair"; the privy council intervened and attempted a compromise, but the dispute went on[5]. At Oxford the University complained to Edward I. of the scarcity and unreasonable price of provisions, a matter of considerable moment to it, and in 1355, as a result of the massacre of St. Scholastica's Day, the control was taken out of the hands of the town[6]. The University also claimed the assize of victuals at the fair of St. Frideswide, but without success, and the prior accused it of using violent means to prevent the fair being held[7]. The control of Yarmouth fair was contested for centuries

Company (1871), 28. (iv.) Pewterers: C. Welch, *History of the Pewterers' Company* (1902), i. 43. (v.) Skinners: Riley, *Memorials*, 154.

[1] *Statutes*, iii. 908.

[2] W. Herbert, *Twelve Great Livery Companies* (1834), i. 47; C. M. Clode, *Memorials of the Merchant Taylors* (1875), 5, 193.

[3] Black, *Leathersellers' Company*, 28.

[4] Nichols, *Bibliotheca Topographica Britannica*, v. App. XXXII.–XXXV.

[5] Cooper, *Annals of Cambridge*, i. 126, 332. The council intervened in 1534; for subsequent details, see *ibid.* 372-373, 388-389, 393. Compare also Nichols, *op. cit.* v. App. X.

[6] Ogle, *Oxford Market*, 47, 52, 54. For Edward's letter fixing prices, see *ibid.* App. B, 120. The fair had been given to the monastery by Henry I.: Parker, *Early History of Oxford*, 278.

[7] *Rot. Parl.* iii. 176 *b*.

by the bailiffs of the town and the barons of the Cinque Ports; the latter [1] had played the chief part in establishing the herring fishery at Yarmouth, and apparently at first enjoyed the sole management of it. In the award of 1277 four sergeants of the Cinque Ports were to assist the bailiffs of the port in doing justice "according to law merchant"; before the end of Edward's reign there was renewed friction [2], which continued at intervals to the reign of Elizabeth [3].

Law Merchant.

The law by which the commercial life of the mediaeval trader was governed was not the common law of the land but the law merchant, aptly termed by Maitland 'the private international law of the Middle Ages' [4], and identified by a fifteenth-century chancellor with the law of nature [5]. This was a special body of legal usages and doctrines binding on merchants throughout Europe in their mercantile relations. While at the outset a uniform system of law was only gradually developed out of the conflicting practices of the different localities [6], there ultimately grew up a definite body of law distinct from common law and of international bearing. It had several well-defined features, and foremost among these the author of a treatise on the *Lex Mercatoria* places the summary nature of its procedure [7]. Again it was unwritten, customary law, created by the merchant "out of his own needs and his own views" [8], though to some extent it may have come under the influence of statute law [9]. In certain respects it openly diverged from the common law of the land and in some degree anticipated modern commercial practices. Especially characteristic was the payment of a God's penny to bind a purchase; once the parties to a contract had paid 'earnest' or assurance money, neither could

[1] H. Swinden, *Antiquities of Great Yarmouth* (1772), 172.

[2] *Patent Rolls*, 1272–1281, p. 203; *ibid.*, 1301–1307, p. 329. See also S. Jeake, *Charters of the Cinque Ports* (1728), 13, 15.

[3] *E.g. Rot. Parl.* i. 332 *a*. The historian of Yarmouth (Swinden, p. 212) remarks: "To enumerate all the quarrels . . . would be a task infinitely trifling, tedious and disagreeable".

[4] *Select Pleas in Manorial Courts*, i. 133.

[5] *Law Quarterly Review*, xvii. 240.

[6] W. Mitchell, *The Law Merchant* (1904), 2, 6.

[7] *Little Red Book of Bristol*, i. 58.

[8] Cf. St. Ives court rolls: "The merchants of the fair . . . to whom judgments belong according to the law merchant": *Law Merchant*, i. 90.

[9] On the law of debt, see *infra*, p. 263.

withdraw from it. Its principle appears to be that of the *festuca*, or symbol of possession, which the seller of land handed to the purchaser in token of the change of ownership. The *Carta Mercatoria* (1303) laid down that every bargain should be firm and stable, "after that the earnest penny (*denarius Dei*) be once given and taken"[1]. According to Bracton, "if the purchaser repents of his purchase and wishes to recede from his contract, let him lose what he has given; but if the vender repents, let him restore double of what he has received as earnest money"[2]. In the custumal of Preston it is added that if the buyer has already handled the goods, and the seller is unwilling to complete the transaction, the latter must forfeit a sum of five shillings[3]. At Dublin any one who gave the earnest penny, and then repented of his bargain, paid a penalty of ten shillings[4]. Another mercantile institution was that of promissory notes, an institution[5] of extreme importance in the development of trade and finance. The procedure of mercantile law was still often formal and marked by the retention of antiquated survivals. Thus in 1287 the party to a suit at the fair of St. Ives lost his case, because one of the compurgators in taking the oath made a slip in the name, saying Robert for Henry[6]. None the less, in certain directions there was a departure from established usage. Notably was this the case in the production of proof by tally[7], or by evidence based on the examination of witnesses in the open court[8]; while professional pleaders were afforded scope for their activities[9]. For these various reasons the pie-powder court, and the law which it administered, merit the most considerable attention. Throughout the Middle Ages and beyond, England was covered with a network of courts, which in number and energy were scarcely inferior to the rural courts of the townships[10]. At the same time they must

[1] Hakluyt, *Voyages* (ed. 1903), i. 329.
[2] Bracton, f. 62.
[3] Dobson and Harland, *Preston Guild*, 75 (thirteenth century).
[4] Gilbert, *Historical and Municipal Documents of Ireland*, 251.
[5] *Select Pleas in Manorial Courts*, i. 133.
[6] *Law Merchant*, i. 20.
[7] For proof by tally, see *Borough Customs*, i. 202-205.
[8] *Quarterly Journal of Economics*, xx. 246.
[9] *Select Pleas in Manorial Courts*, i. 155-156.
[10] *Quarterly Journal of Economics*, xx. 247.

have contributed enormously to the consolidation of a body of mercantile law, which in its turn has been an important source of modern jurisprudence.

Enumeration of the chief fairs.

It remains to give some account of the more important of English fairs, with whose organization and development we have been concerned. The fair of St. Ives was founded in 1110 by Henry I.[1], though the zeal of Matthew Paris led him to ascribe it to King Edgar[2]. It rapidly developed into an important centre for hides, wool and cloth[3]; and its situation on the Ouse attracted large numbers of native and foreign merchants. A few years earlier the famous fair of St. Giles at Winchester, of which William Langland makes mention in *Piers Plowman*, came into existence[4], and acquired importance as a centre of traffic between France and the south of England. The chief articles of merchandise here were cloth, woollen goods and all manner of foreign produce, and after the invention of printing there was a large sale of books; the stall of St. Swithun's Convent was especially famed for its wines and spiceries[5]. Two other celebrated fairs were those of Stourbridge and Bartholomew, which even in the seventeenth century could be described in a proclamation as "fairs of special note"[6]. Bartholomew fair originated in a grant (1133) made by Henry I. to a monk Rayer, by whom the priory was founded[7]. The monk chose his site with care, obtaining from the king a piece of ground in Smithfield, already associated with its famous market. The control of the fair was shared between the prior and the corporation; the latter exercised scrutiny of weights and measures and of goods exposed for sale, while tolls and forfeitures were equally divided[8]. The fair became the chief cloth fair of England, and to it, says Stow, repaired "the clothiers of all England and drapers of

[1] *Cart. Monast. de Rameseia*, i. 240.
[2] M. Paris, *Chronica Majora*, v. 699.
[3] See court rolls of St. Ives in *Law Merchant*, vol. i. *passim*.
[4] It was founded by William Rufus (1096): Davis, *Regesta Regum*, i. 96. For Langland, cf. *C. Passus*, xiv. 52.
[5] Jusserand, *English Wayfaring Life*, 249; Kitchin, *Winchester*, 161.
[6] Crawford, *Tudor and Stuart Proclamations*, i. 169.
[7] Morley, *Bartholomew Fair*, 12.
[8] *Letter Book H*, 70; *ibid. K*, 354. For early disputes over the fair (1292), cf. *Cal. Fine Rolls*, i. 313.

London"[1]. Greatest of all English fairs was Stourbridge, the centre of the East Anglian counties, and as late as 1722 Defoe spoke of it as "not only the greatest in the whole nation, but in the world; nor, if I may believe those who have seen them all, is the fair at Leipzig in Saxony, the mart at Frankfort-on-the-Main, or the fairs at Nuremberg, or Augsburg, any way to compare to this fair at Stourbridge"[2]. Though credited with a Roman origin[3], it was founded by John, who granted it to the lepers of the Hospital of St. Mary Magdalene. Costly works of embroidery, velvets, silk and cloths of gold[4], were among the commodities which made the fair renowned, and here also the Oxford Colleges bought their stock of salted herrings for Lent[5]. An important fair, exceptional in the fact that it was not owned by the Church, was St. Botolph, which seems to have been founded in 1200[6]. Henry III. gave it (1241) to Peter de Savoy, the uncle of Queen Eleanor, whose relations with the citizens of Lincoln were marked by considerable friction. The fair attracted visitors from a great distance, and here the canons of Bridlington laid in a stock of wine, groceries and cloth for their convent[7]. Three other fairs may be mentioned: Westminster, Northampton and Bristol. The fair at Westminster was established by Henry III., who forced the citizens of London to attend it, and would allow no other fair to be held or shop to be open in London at the same time[8]. Northampton fair was one of the four terms in the year, when the king made his purchases from merchants and met his obligations to them, the other three being St. Ives, St. Botolph and St. Giles[9]. The fair at Bristol, known as St. James's fair, appears in the sixteenth century to

[1] *Survey*, ii. 27.

[2] D. Defoe, *Tour through the Eastern Counties of England*, 1722, ed. H. Morley (1888), 164. Defoe has left a vivid account of Stourbridge fair in the eighteenth century, copied in Nichols, *Bib. Topog. Britann.* v. 80 *seq.*

[3] Cooper, *Annals of Cambridge*, i. 12, 34.

[4] *Ibid.* i. 171.

[5] Thorold Rogers, *Agriculture and Prices*, iv. 150.

[6] *Patent Rolls*, 1216–1225, p. 157.

[7] Thompson, *Boston*, 39, 45. It escheated to the king in 1282: *ibid.* For the grievances of Lincoln: *supra*, p. 219.

[8] M. Paris, *Chronica Majora*, v. 28, 333. The fair lasted 32 days, and the same customs were observed as at St. Giles's fair: *Patent Rolls*, 1292–1301, p. 589.

[9] *Ibid.* 1232–1247, p. 239.

have ranked with Stourbridge and Bartholomew.[1] Besides those already enumerated there were many smaller fairs, some of which were held for a particular object, the fair of Leeds, for example, for the sale of cloth, and that of Weyhill for cheese.[2] The herring fairs, Yarmouth and many others on the sea-coast, acquired special prominence in the Middle Ages on account of the observance of Lent; yet an act[3] of Henry VIII. enumerates Stourbridge, St. Ives and Ely, as "the most notable fairs within this realm for provisions of fish".

Decline of English fairs.

It is difficult to determine with any degree of certainty the period at which English fairs began to decline either in numbers or importance. In 1335 it was said that "foreigners do not come to St. Botolph's fair as they used to do"[4], while in 1416 we are told[5] that the holding of St. Botolph's fair had entirely ceased "now for many years past", and doubtless other fairs also decayed. This, however, only means that the tidal waves of commerce had receded from certain places, and now visited more convenient centres. The decay of St. Botolph's fair, for example, which was very marked in the Tudor period, was largely due to the withdrawal of the Hansards. "The Easterlings", says Leland, "left their course of merchandise to Boston, and since the town sore decayed"[6]. Another factor in the decline of the city was the decay of the river and the development of new trade routes. In every century, in fact, there were the inevitable changes in the localization of trade, and in the nature of things one fair superseded another. In 1363 a patent recites[7] that the fair of St. Ives had not been held "for twenty years and more", on account of the absence of foreign traders, and a similar assertion was made in 1442; apparently in the interim the fair had recovered its old position. St. Giles's fair undoubtedly declined in the fourteenth century, and the revenue drawn from its receipts fell off considerably[8]. Complaints of the decay of Wycombe

[1] Burnet, *History of the Reformation*, v. 110.
[2] Thorold Rogers, *Agriculture and Prices*, iv. 146.
[3] *Statutes*, iii. 440.
[4] *Cal. Inquisitions post mortem*, vii. 426.
[5] *Letter Book I*, 159.
[6] Leland, *Itinerary* (ed. L. T. Smith), iv. 181.
Law Merchant, i. p. xxx.
[8] *Vict. County Hist. Hampshire*, v. 39-40.

fair[1] were uttered in 1527: "Now there cometh but few or else none of this town and borough thither for to keep and maintain the aforesaid fair there in that place, whereas of old custom was wont for to be kept; but keepeth their shops and their stalls at home there as they do dwell here within the said town". But while at different times one fair rose and another fell, no proof appears to have been adduced of a general decay in the fifteenth century of the system of periodical marts. On the contrary, the *Patent Rolls* for the last nine years of Yorkist administration record at least ten grants of fairs[2], of which one gave to the bishop of Norwich two annual fairs at his town of Lynn, each for forty-one days. This shows that fairs were still a profitable source of revenue. As in earlier centuries, we find one town (Lincoln) petitioning to hold two fairs on account of its poverty, and another (Wainfleet) allowed to set up three fairs because it was in great ruin and deserted by its inhabitants[3]. The indictment brought against the piepowder courts in the statute of Edward IV. can scarcely be regarded as evidence of the dissolution of fairs since, as we have seen, the burden of its complaint can be traced back at least a century, and in one form or another was probably coeval with the existence of the fairs themselves. In the seventeenth century Cardiff alleged that the rivalry of a neighbouring fair had reduced it "to much poverty, and their poverty doth daily increase by means of the said fair": language which not only recalls that of earlier times, but indicates that the fair was still a source of profit[4].

Their condition in the sixteenth century.

The opinion has gained currency that the fairs of the fifteenth and sixteenth centuries underwent a change in character, and were given up to purposes of amusement rather than to trade. But this view is unsupported by any evidence, and it is certainly wrong to suppose that even at the close of the Middle Ages English fairs had lost their

[1] Parker, *Wycombe*, 29.

[2] *Patent Rolls*, 1476–1485, pp. 5, 9, 17, 93, 131, 154, 158, 204, 326, 471. Examples can easily be multiplied: Norwich (*Records*, i. 42) received two fairs in 1482, each for 3 weeks. Similarly: *Records of Leicester*, ii. 296, etc.; Wood, *City of Oxford*, ii. 457; A. Ballard, *Chronicles of Woodstock* (1896), 25.

[3] *Rot. Parl.* iv. 418 *a* (Lincoln, 1432); *Vict. County Hist. Lincolnshire*, ii 320 (Wainfleet, 1458).

[4] *Records of Cardiff*, i. 367.

vitality as a commercial institution, or were attended "merely by the local people who dwelt in their neighbourhood"[1]. One striking illustration will serve to indicate that as late as the sixteenth century the fair often remained an important centre of internal trade. In the opening years of Henry VIII.'s reign Redcliffe, a suburb of Bristol, obtained the grant of a fair, but it proved "prejudicial and harmful" to the interests of the citizens who applied for relief to the Star Chamber. Their indictment (1529) sets forth how craftsmen of Bristol found themselves unable to dispose of their wares, inasmuch as purchasers now stayed away from the city and resorted instead to the fair. In particular they alleged that "cappers of London and other foreign cappers of this realm" sold their caps at the fair, "by means whereof the cappers of Bristol have less utterance of their caps to their great losses and hindrance and to the impoverishing of three or four hundred people as carders, spinners and knitters, which, before the time the said fair was kept and used, had their livings by the cappers of Bristol which for the most part now are put from their work". The merchants of the city also declared "that the continuance of the fair at Candlemas shall be the decay of merchants and navy of the port of the city". All the trade, they added, was attracted to the fair: "all strangers repair thither with all kinds of merchandise which they sell to other strangers as at that time do resort thither". Finally, the city revenues suffered a great loss of toll, since "strangers withdraw until the time of the fair, and then all things are custom-free"[2]. Nor was Redcliffe fair the only mart to attract traders from other parts of the kingdom. Attention has already been drawn to the continued importance of Stourbridge and Bartholomew fair[3]. St. Ives was still "most notable for provisions of fish", and even St. Botolph would seem to have

[1] A. Law, "Town Life," in *Economic Review*, iv. 385 (cf. also Cunningham, *English Industry*, i. 451). Three statements seem open to criticism: (i.) that the new fairs "only lasted from one to three days"; (ii.) that they "were frequented merely by the local people"; (iii.) that they "assumed a holiday rather than business character." The abstention of foreigners was due of course to the fact that the carrying trade was passing into English hands.

[2] *Select Pleas in the Star Chamber*, ii. 252, 261 *seq.*

[3] *Supra*, p. 232.

revived, for as late as 1665 it was described as "a fair of note, whereto there is usually *extra-ordinary resort* out of several parts of the kingdom"[1]. In the reign of Elizabeth, Harrison in his *Description of England* wrote: "There are very few" large towns "that have not one or two fairs or more within the compass of the year assigned unto them by the prince. And albeit that some of them are not much better than . . . the common kirkmesses beyond the sea, yet there are divers not inferior to the greatest marts in Europe"[2]. During the fifteenth and sixteenth centuries English fairs certainly declined in relative importance. They were no longer the only, and perhaps not even the chief centres of traffic, for the towns had steadily grown in prosperity and in their ability to meet the requirements of the community; beyond this point it seems impossible to go.[3]

[1] Thompson, *Boston*, 345.

[2] Harrison, *Description of England*, ed. F. J. Furnivall (1877), 303.

[3] For the importance of Stourbridge fair in the eighteenth century, see the interesting *Historical Account of Sturbridge, Bury, and the most Famous Fairs in Europe and America* (Cambridge).

CHAPTER VII

THE GILD MERCHANT

Characteristics of mediaeval towns.

In all stages of social evolution an intimate relation may generally be traced between political institutions on the one hand, and the forms of economic organization on the other. How far political factors have moulded the destinies of mankind, and determined the nature and scope of their economic activities, can never be exactly known, and it is seldom easy to disentangle the many-coloured threads which make up the complex strands of social development. None the less, in the successive phases of national growth a marked influence has been exercised in the economic sphere by one or other of the contemporary political agencies[1]. The terms 'village economy', 'town economy', 'national economy', have been freely used to designate the different aspects of social organization, though these terms if applied too rigidly would lead us to acquire a wholly artificial conception of the mediaeval community. In the interpretation of the past it is impossible to isolate the different periods of economic development into water-tight compartments. There is always a constant tide of progress and change, in which normally everything is in a state of transition and nothing remains at a standstill. The characteristics of a town economy are found in embryo in the village economy; those of a national economy appear in the town economy. Nowhere do we find sharp and clear-cut lines of demarcation, but everywhere a gradual and almost imperceptible movement. With this caution we may readily recognize the

[1] G. Schmoller, "Studien über die wirthschaftliche Politik Friedrichs des Grossen," in *Jahrbuch*, viii. 16.

utility of terms which serve to concentrate attention upon well-defined economic traits, whose influence was specially marked at particular epochs, and in whose light we can construct a working hypothesis that will help to interpret for us the phenomena of mediaeval society. In the later Middle Ages the outstanding feature of political and social conditions in England was the position occupied by the municipalities, with whose exclusive and self-centred character we are concerned in the present chapter. At a time when England was slowly fashioning the conception of a national state and achieving a measure of political unity hitherto unknown, disintegration appeared everywhere the dominant characteristic of her economic system. A jealous and rigid commercial monopoly isolated every locality from its neighbour, and sought to set up an impenetrable barrier of protective tariffs and stringent regulations. Economic life was organized on the basis of the town and the village, and the town, not the state, represented the vital principle of mediaeval economy; a municipal rather than a national policy constituted the mainspring of social development. Every town strove with varying degrees of success to become a self-dependent state, with active powers of aggression and defence; and the exclusion of strangers, the imposition of tolls, the right of reprisals, the restriction of 'foreign'[1] competition, were all economic weapons in their municipal armoury. This isolation and independence of English towns made its influence felt in three directions: (1) in the jealous exclusion of non-freemen from a participation in their mercantile privileges; (2) in the more or less complete localization of economic control; (3) in the inter-municipal relations of towns with one another.

The Gild Merchant.

I. The mercantile privileges of a town were usually vested in a body known as the merchant gild, into whose hands fell the monopoly of trading during the twelfth and thirteenth centuries. There is no mention of the merchant gild in Anglo-Saxon history, and to all appearance it was established in England after the Norman settlement. The consolidation of national life, a process set in motion by the

[1] The term 'foreign' applied both to aliens and to all non-citizens.

Norman Conquest and accelerated by the administrative genius of Henry I. and Henry II., fostered the growth of towns and the expansion of trade; this in its turn would facilitate the development of a specially mercantile institution in which the trading activities of the borough would be focussed at a single point. In its organized form the merchant gild was perhaps introduced from the continent, though some kind of commercial association could scarcely have been completely unknown before. The earliest known reference to the gild merchant is in a charter to the town of Burford (1087–1107)[1]; it is also found occasionally in the town charters of Henry I., and appears very often in Angevin charters. Altogether about a hundred towns in England, and seventy in Ireland and Wales, are known to have contained a merchant gild[2]; it was thus a widespread and not an exceptional institution of municipal life. But in some towns, London, Norwich and the Cinque Ports among others, a merchant gild appears never to have been established[3]. A document has recently come to light containing direct mention of a gild merchant in London in 1252, but this is too unusual to be conclusive, and may be an error of the chancery clerk who drafted the charter[4]. The concession of a merchant gild was by far the most valuable franchise conferred in borough charters, and was usually expressed in the formula: "Know ye that I have granted to the men of [Andover] that they have their merchant gild in [Andover]"[5]. It carried with it certain franchises which were commonly too well known to need rehearsal: thus John gave to Nottingham a merchant gild "with all the liberties and free customs which should or usually belong to a merchant gild"[6]. The privilege was definitely intended as a source of profit to the burgesses, and in the charter of Hugh le Despenser to Cardiff in 1340 the grant is avowedly made "for their own profit"[7]. The fundamental feature

[1] Gross, *Gild Merchant*, i. 5. It is also mentioned in a document, 1093–1109.
[2] The list of towns is given *ibid.* i. 9 *seq.*
[3] *Ibid.* i. 21 (*n.* 5); Hudson, *Leet Jurisdiction in Norwich*, p. lxxxviii.
[4] *English Hist. Review*, xviii. 315.
[5] Ballard, *Borough Charters*, 205.
[6] *Records of Nottingham*, i. 9.
[7] *Records of Cardiff*, i. 21.

of the merchant gild consisted in the exclusive right of its members to buy and sell within the borough, retail and wholesale, on market days and all other times without payment of toll or custom. It is expressly stated in the charter to Oxford, for example, that "none who is not of the gild shall do any traffic in the city or suburbs"[1]. Only in an emergency were gildsmen as a rule required to pay toll on their merchandise, as at Southampton in 1355 to complete the fortifications of the town[2]. Sometimes the monopoly of trading extended to the whole body of burgesses, but here apparently the borough had no gild; in the reign of Henry I. merchants could buy wool, hides or cloth within the borough of Newcastle if they were burgesses, and Newcastle did not obtain a merchant gild till 1216[3]. Occasionally the monopoly of the gild extended beyond the walls of the borough. A charter of Henry II. enacted that no one "within a radius of ten leagues of Nottingham ought to work dyed cloth except in the borough of Nottingham"; and some other towns enjoyed the same privilege[4].

Nature of the commercial monopoly possessed by gildsmen.

The commercial monopoly of the gild-brethren was limited in certain directions, but the limitations were dictated not by a sense of national needs, but solely by a regard for their own narrow interests. They were conscious that to insist upon the strict letter of their privileges, and shut out all merchant strangers from their midst, would impair their prosperity and tend to their own hurt. Hence non-gildsmen were allowed to buy and sell *wholesale*, provided that (1) they paid toll, (2) sold their commodities to gildsmen only[5], and (3) did not buy certain enumerated commodities like wool, grain, untanned leather and unfulled cloth[6], the supply of which was limited and therefore reserved for the use of the town. Thus in the ordinances of the Southampton gild none but gildsmen were quit of toll, or

[1] Riley, *Liber Custumarum*, i. 671. [2] *Oak Book of Southampton*, ii. 119.
[3] Ballard, *Borough Charters*, 211.
[4] Nottingham: *Records*, i. 3. Derby: P. Yeatman, *Records of Chesterfield* (1884), 18.
[5] In 1305 the mayor of Oxford was ordered not to prevent strangers from selling victuals in Oxford provided (*a*) they paid toll, (*b*) and did not sell retail: O. Ogle, *Royal Letters addressed to Oxford* (1892), 17.
[6] *Oak Book of Southampton*, i. 35; Cf. Gross, *Gild Merchant*, i. 46.

could buy anything in the town of Southampton to *sell again* there as retail[1]. The rule against retail trading was intended primarily to compel merchant strangers to sell their wares to native dealers instead of direct to consumers; apparently it did not apply to country folk who brought their produce to the town market, though of course they would be required to pay toll. Again, provisions and other small wares could probably be bought and sold in the town even by non-gildsmen, provided they bought for their own use and not for purposes of trade. This may be inferred from an ordinance at Southampton, where a gildsman guilty of certain offences could not buy or sell in the town during the year *saving only his victuals*[2]. At Ipswich also, a stranger could sell victuals by retail[3], and elsewhere 'foreign' traders were allowed to bring provisions freely into the town. But the unenfranchised trader dwelling within the borough was forbidden to sell retail or to keep open shop. It is common to find non-burgesses presented for these offences and particularly for buying and selling retail[4]. The gildsmen were especially exercised to prevent any evasion of toll, and it was therefore a serious offence for a gildsman to avow the goods of a stranger as his own to enable the latter to escape custom. The offence of 'colouring' goods, as it was termed, or acting as factor for non-gildsmen, involved loss of gildship or other heavy penalty[5]. The oath of the freeman of London ran: "Ye shall not avow as your own the goods of foreigners, whereby the king shall lose his custom"[6]. At Hereford, if a citizen protected the goods of strange merchants as though his own property "to the hurting of our customs", he was held to have perjured himself, and on that account lost his freedom[7]. Similarly at Newcastle a merchant adventurer who shipped the goods of non-members forfeited a penalty[8]. All relations with strangers were in fact strictly forbidden. A gildsman could not enter into partnership

[1] *Oak Book of Southampton*, i. 35.
[2] *Ibid.* i. 39.
[3] Bacon, *Ipswich*, 147. Similarly, Northampton: *Records*, i. 301.
[4] *Letter Book C*, 19; *Records of Nottingham*, i. 317.
[5] *Oak Book of Southampton*, i. 37; *Records of Norwich*, i. 187; Morris, *Chester*, 393-395.
[6] *Letter Book D*, 195.
[7] *Journal British Archæol. Assoc.* xxvii. 476.
[8] *Newcastle Merchant Adventurers*, i. 30.

with a non-gildsman to trade with his money or sell his goods for part-profits [1]. He could not travel in the country with merchant strangers directing them where to buy wool or other merchandise [2], and craftsmen were not allowed to teach country folk a knowledge of their mistery [3].

The right of 'lot'.

An important privilege attaching to membership of the merchant gild was that of sharing in any commercial transaction made by a fellow-gildsman. If a gildsman made a purchase, whether in markets, fairs, or in his native town, it was open to other gildsmen to claim a portion of it at the original price at which the commodity had been bought [4]. The mayor alone was exempted from the obligation to share his bargains [5]. The exercise of the privilege, however, was usually conditional on the merchant being present at the making of the bargain in which he claimed the right to go shares. This proviso is explicitly laid down in the Southampton ordinances: "a gildsman shall have a share in all the merchandise which another gildsman buys, if he is on the spot where the merchandise is bought" [6]. But at Berwick even those who were not present at the transaction were allowed to share, provided they paid "to the buyer twelvepence for profit" [7]. The system lent itself easily to abuse and it was necessary to guard against dishonest trickery. "Certain persons", we are told in the Norwich custumal, "have a practice of making their purchases by two, three or four, or more of their servants . . . so that they have two, three or four parts or more of that merchandise as against a peer [freeman] of the city". It was therefore ordered that none should henceforth "make such purchases in the city save by themselves or one of his servants only, so that his fellow-citizens" may share equally if they wish [8]. As a rule, the right of *lot*, as the privilege was called, was laid down in gild ordinances, but at Grimsby it was inserted in the town charter "that it be not denied

[1] *Records of Leicester*, i. 88, 93; *Oak Book of Southampton*, i. 37.
[2] *Records of Leicester*, i. 92. [3] *York Memorandum Book*, i. 54.
[4] *Records of Leicester*, i. 271. [5] At any rate at Leicester: *ibid.* i. 180.
[6] *Oak Book of Southampton*, i. 39. Similarly Sandwich: *Borough Customs*, ii. 178.
[7] J. T. Smith, *English Gilds* (1870), 345. [8] *Records of Norwich*, i. 184.

to any burgess of the town to share in any bargains, provided he was present at the sale" [1]. At Norwich, which had no gild merchant, the obligation was imposed upon the burgesses in the bye-laws of the borough [2]. The privilege was intended to foster equality, and protect the poor from the rich by preventing the monopoly of trade falling into the hands of the few. It embodied the principle that every burgess should have a share in trade "sufficient for the maintenance of himself and his family" [3]. The liability of each citizen for the misdeeds of fellow-citizens, of which we shall speak presently, had at any rate a partial compensation in the common right of protection against merchant strangers and above all in an equality of opportunity. The increasing tendency to individualism which marked the later Middle Ages and is especially characteristic of the sixteenth century, revealed itself in a growing reluctance to comply with the obligation, and the charge of evasion became a very common offence at the gild court [4]. In 1587 the jurors at Southampton in complaining of the decay of the system laid remarkable emphasis upon its merits: "In times past there hath been a very good order devised, that every burgess of this town should have a part of any bargain made with strangers for any commodity brought to the town, claiming the same in a convenient time, as in the same ancient order may appear. By which device it may evidently appear to us that the chiefest and men of greatest credit and wealth, into whose hands the best and most profitable bargains were like for the most to come, did not respect their own private gains so much as the maintenance of the state of this town, knowing that always they were to continue in the same, but others should grow under them, and therefore willing that the younger people should be partakers with them. Which being so good and politic an order for the estate of this town, we desire your

[1] *Borough Customs*, ii. 168. [2] *Records of Norwich*, i. 184.
[3] Gross, *Gild Merchant*, ii. 185 (*pro sustentatione*).
[4] *E.g. Records of Leicester*, i. 78. At Coventry, (1440) "whoever buys salt fish according to the custom of the town is to distribute it among his neighbours at the same rate at which they were first bought": *Leet Book*, i. 193. Butchers also had to share wholesale bargains (1468): *ibid.* ii. 338.

worships may be continued in that good sort and meaning as first it was devised" [1].

Common bargains.

The communal aspect of the gild merchant was also marked in the efforts made to promote co-operation and collective bargaining among the gild-brethren. The gild itself, as an organized body of traders, engaged in commercial transactions. In some towns the gild officers claimed the sole right to deal in certain commodities, the profits of which went into the common purse [2]. At other times they could make the first bid for the wholesale purchase of imported cargoes, which were then distributed among the gildsmen at retail prices; these joint purchases were known as "common bargains". At Liverpool all produce brought into the town was first to be offered for sale to the community and a value placed upon it by the appraisers; if the merchant rejected the offer, he had then to purchase licence to sell in open market [3]. These joint-stock purchases were also common at Berwick, where the authorities made communal purchases "for the common weal of the town" [4]. At Chester the profits were devoted to public objects, and here the owner of the cargo was required to give the option of purchase to the mayor; the option lasted for no less than forty days, a period later reduced to ten in order not to discourage trade [5]. At Bristol, when a ship came to port, the town-traders assembled to decide "what is to be done in that behalf for the weal of the said fellowship" [6], that is, they prevented competition by a preconcerted arrangement as to the prices at which the cargoes should be bought. The practice of collective bargaining sprang partly from a determination to place the merchant stranger always at a disadvantage, and partly to promote equal opportunities for trade among the brotherhood. It has an additional interest for us in that it appears to have contained the germ of the later joint-stock company [7].

[1] *Southampton Court Leet Records*, 262.
[2] *E.g.* millstones at Lynn: Gross, *Gild Merchant*, ii. 165.
[3] *Ibid.* ii. 148. [4] *Hist. MSS. Comm. Various Collections*, i. 10.
[5] Morris, *Chester*, 391. Apparently Leicester is an exception, for here, it is said, there were no 'common bargains': *Records of Leicester*, i. p. xxxiii.
[6] J. Latimer, *Merchant Venturers' Society, Bristol* (1903), 32.
[7] Cf. W. R. Scott, *Joint-Stock Companies* (1912), i. 6.

Other functions of the gild merchant.

Apart from its control of trade, the merchant gild served other functions which exhibit in a strong light the core of fraternalism inherent in the gild system. These can best be illustrated from the ordinances of the gild merchant of Southampton. Its care for unfortunate brethren is seen in the rule that if a gildsman were ill, he should be given "two loaves and a gallon of wine and one dish of cooked food", while two of the "approved men" of the gild were to visit him "and look to his condition". If a gildsman were in prison in any place in England during a time of peace, the alderman with other officers of the gild were to go at the cost of the fraternity to procure his deliverance. A member of the gild who fell into poverty, and could not work or provide for himself, was to receive one mark from the gild at its meetings[1]. The rules of the gild merchant of Lynn show a similar regard for unfortunate brethren, and they equally insist upon the obligation to give counsel and assistance to those in distress[2]. The brethren were also expected to live in peace and amity with each other; quarrels were to be settled by arbitration without recourse to law[3], and if one gildsman struck another he lost his gildship. At the same time steps were taken to prevent excess of competition between fellow-gildsmen. At Shrewsbury, for example, no one was allowed to erect booths or adopt other devices whereby "to have better sale than any of the combrethren"[4]. But the principle was abused when traders sought to force up prices, and intimidated those who refused to submit to their decision. In 1397 a herring merchant of Scarborough complained in Chancery that "because he sold his merchandise at a less price than other merchants of the town of Yaxley did there . . . they assaulted him, beat him and ill-treated him and left him there for dead, so that he despaired of his life"[5]. Lastly, we have to remember that the member of a merchant gild possessed a recognized status; he was backed by the resources and prestige of his

[1] *Oak Book of Southampton*, i. 27, 31, 37.
[2] Gross, *Gild Merchant*, ii. 160 *seq.* For Preston: *ibid.* ii. 195.
[3] *Ibid.* ii. 162 (Lynn); Morris, *Chester*, 383 (*n.* 4).
[4] F. A. Hibbert, *Influence and Development of English Gilds* (1891), 45.
[5] *Select Cases in Chancery*, 28.

society, and supported by its common letters or 'tests'—corresponding to modern letters of credit—when he fared abroad[1]. When a merchant was at variance with the authorities of a town he could turn to the rulers of his own city, who would intervene on his behalf and take active steps to defend his interests or avenge his wrongs. Nowadays the individual seeks redress for his injuries in a court of law; in a ruder age he found a more expeditious and reliable means of protection in fraternal union with his fellow-gildsmen. The security which a merchant in the seventeenth and eighteenth centuries gained in foreign countries as a member of one of the great trading companies, the mediaeval trader found in his own country as a member of the merchant gild. This peculiarity brings forcibly before us the fundamental features of mediaeval town-life. The privileges and burdens of an Englishman were borne in the main as the citizen of a particular town and shared only with a limited group; their nature and extent depended primarily upon the bargain which his community had made with the Crown or with its neighbours. This was no less true of foreign than of English towns; the burgesses of certain continental cities, as will be seen[2], came to enjoy special grace in this country in virtue of a royal charter or municipal treaty.

Control of industry.

In return for the privileges of membership the gildsman was bound by the regulations which the gild merchant in its wisdom sought fit to impose. The scrutiny of wares exposed for sale in the town was a function not lightly disregarded by the authorities. The gild rolls of Leicester record how one, Roger Aldith, was convicted three times concerning a certain vermilion cloth made contrary to the rules of the gild, "to wit, with the woof in the middle poorer and worse than at the ends". His persistence in fraud met its due reward, and he was "cut off from the gild and separated

[1] This is definitely stated in the case of Hereford: *Journal British Archæol. Assoc.* xxvii. 466. A letter was sent by the authorities of Sherborne to those of Bridport testifying to the good character of an emigrant burgess: *Vict. County Hist. Dorsetshire*, ii. 244. The mayor of London wrote to Leicester with 'greeting and very dear friendship' commending a merchant: *Records of Leicester*, ii. 138 (1365). For letters written on behalf of merchants to obtain recovery of tolls, see *infra*, p. 259.

[2] *Infra*, p. 450.

from the community" of the gild brethren[1]. The control of the same gild over industry is shown by its efforts in 1260 to compel weavers and fullers to accept certain rules, the weavers undertaking to conceal no deceit in their work, and the fullers not to full "unfaithful cloth"[2]. In 1265 the gild also fixed their wages, and forbade them to weave the cloth of neighbouring villages unless they had insufficient work from the inhabitants of Leicester[3], a rule devised in order to check the industrial rivalry of country districts. The regulation of trade whether on the part of the gild or the municipality was everywhere marked by extraordinary attention to the minutest details. Weavers were fined or placed in the pillory for bad or fraudulent work[4]. At Norwich buyers were enjoined to make no purchases unless they were ready to pay for them forthwith, "so that the countrymen might not be put off nor hindered in receiving their payment and doing their business"[5]. At Bristol taverners of wine and ale were forbidden to keep guests sitting in their taverns after the hour of curfew had rung, but straightway must shut their doors under penalty of two shillings[6].

Organization of the gild merchant.

At the head of the gild stood the alderman and his associates, two or four in number, who were appointed in the meetings or 'morning-speech' of the assembly. The gild of Southampton had an alderman, seneschal, chaplain, four echevins and an usher[7]. The primary qualification of membership appears to have been the obligation to be at 'scot and lot', that is, to share in the common charges of the community. The ordinances of the merchant gild were enforced in the gild court, which dealt with pleas relating to the colouring of goods, refusals to share purchases and other offences against the privileges of the gild-brethren[8]. Apparently, however, commercial matters were more commonly relegated to the borough courts; at Southampton the connexion between the merchant gild and the court leet

[1] *Records of Leicester*, i. 69. [2] *Ibid.* i. 89. [3] *Ibid.* i. 105.
[4] *Ibid.* i. 105, ii. 195; Hudson, *Leet Jurisdiction in Norwich*, 30.
[5] *Records of Norwich*, i. 186. [6] *Little Red Book of Bristol*, ii. 225.
[7] *Oak Book of Southampton*, i. 25; Gross, *Gild Merchant*, i. 26.
[8] Pollock and Maitland, *History of English Law*, i. 668.

was extremely close, and here the regulations of the gild seem to have been carried out in the leet court [1].

Relation of the gild merchant and the borough.

The exact position occupied by the merchant gild and its relation to the borough community have been the subject of much controversy [2]. It is clear that it was not merely a private commercial association devoid of official powers or prestige, nor on the other hand did it coincide with the administrative organization of the borough. It was an important element in the civic constitution, but it was subordinate to and not identical with the municipal government. It dealt primarily with the supervision and control of the trade monopoly, and though there was a growth of other functions they proceeded one and all from this cardinal obligation. The core of the burghal polity was not the merchant gild but the borough court, which was responsible for the assessment, collection and payment of the *firma burgi* [3], the administration of police and justice, and the election of the borough officers. Apart from a difference of functions, there were differences of membership and organization. Burgesses were charged with all the liabilities and duties of citizenship; they filled municipal offices, served on juries, kept watch and ward, suppressed riots and disorder, answered the call to arms in defence of the town, maintained and repaired the walls, paved the streets in front of their houses, made bridges and highways, and performed other public works [4]. At the same time they were required to reside within the borough and to own a burgage tenement [5], "or other yearly revenues" [6], as a pledge of their ability to fulfil their financial obligations, "by the which they may justify themselves unto our lord the king and his commonalty". The essential qualification for the gild franchise, however, was the capacity to pay scot and lot for the right of trading. In many towns the gild merchant contained members who did not even live within

[1] F. J. C. Hearnshaw, *Leet Jurisdiction in England* (1908), 209; *Southampton Court Leet Records*, p. xx.
[2] Cf. Gross, *Gild Merchant*, i. c. v.
[3] *Supra*, p. 191.
[4] *E.g.* Hearnshaw, *Southampton Court Leet Records*, 13, 102, 152, etc.
[5] *Red Paper Book of Colchester*, 15.
[6] *Journal British Archæol. Assoc.* xxvii. 468 (Hereford).

the walls of the borough; the charter granted to Pembroke enacted that "all merchants of the county of Pembroke by the decision of my burgesses may enter into their merchant gild"[1]. The merchant gild of Ipswich admitted to its franchise many neighbouring landowners, and among them the earl of Norfolk[2]. The oath sworn by the gildsman at Leicester to scot and lot with the gild "wherever he may dwell", appears to point to non-residence[3]. But practices varied from borough to borough, and the terms of membership were not everywhere uniform. Sometimes residence would seem to have been required as a condition of gild membership, in order to ensure payment of contributions and performance of services. At Hereford[4] none could trade unless he were "in scot and lot with our citizens of the gild merchant, . . . and unless he shall be dwelling in the same city with his wife", that is, he had to be a permanent resident in the town. There was thus a well-defined distinction between gildship and burgess-ship. All gildsmen were not burgesses, nor were all burgesses gildsmen, and it was possible for an inhabitant of the town to be neither a burgess nor a gildsman. In short, the gildsman possessed commercial status, but was debarred from any share or control in the political life of the community unless he was also a burgess; the burgess enjoyed civic rights, but was excluded from trade unless he was also a gildsman. At Leicester the line between members of the merchant gild and burgesses of the borough was clearly drawn. The tenants of the bishop of Lincoln, who were at scot and lot with the gildsmen, had full rights on all affairs touching the "commune of the gild", but were excluded from the "commune of the town" unless they were also burgesses owning land within the borough[5]. Again, the existence of two separate organizations is shown by the fact that when Ipswich obtained a charter from King John in 1200, it proceeded first of all to elect bailiffs, coroners and portmen to govern the borough; then at a later date,

[1] Ballard, *Borough Charters*, 205.
[2] *Hist. MSS. Comm.* 9th Rep. App. i. 240.
[3] *Records of Leicester*, i. p. l.
[4] *Journal British Archæol. Assoc.* xxvii. 466.
[5] *Records of Leicester*, i. 191 (1281).

an alderman of the merchant gild was chosen, and with him four associates[1]. At Beverley the ordinances of the merchant gild were "diligently inspected" by the twelve keepers of the town, who also paid a rent to the gild for the use of the gildhall[2], an indication that the gild was not identical with the community and was subject to the municipal body.

Their ultimate identity.

The distinction between the 'community of the gild' and the 'community of the town' must not, however, be pressed too far. The evidence of Leicester seems to indicate that here at least, while the difference between them was well understood[3], there was no duality of office nor two sets of officers, but that the same officers governed the borough and the gild[4]. Moreover, the line of demarcation between the gildsmen and the burgesses tended necessarily to become shadowy and indistinct, for in practice the composition of the two bodies would more or less coincide. In process of time the merchant gild became gradually merged in the town administration. The court of the borough was as a rule far more ancient than the gild, but when trade expanded and the functions of local government grew more and more complex, the gild was apt to develop into the predominant partner. The dual system of municipal government disappeared, and the regulation of trade and the control of general municipal activities passed into the hands of one and the same body. The ultimate identity of gild and borough is seen in 1408, when the mayor of Winchester together with the recorder and one of the bailiffs appeared "on behalf of themselves and the commonalty of the gild merchant" before the authorities of London to complain of the exaction of toll[5]. Again, the earliest of the corporate seals used by the city of Gloucester, dating from the first half of the thirteenth century, bears the inscription in Latin: "seal of the burgesses of the gild merchant"[6]. At Bristol the amalgamation of the gild merchant and the civic body

[1] Gross, *Gild Merchant*, ii. 115.
[2] *Beverley Town Documents*, pp. xlii. 74.
[3] *Supra*, p. 250.
[4] *Records of Leicester*, i. p. xliii.
[5] *Letter Book I*, 70.
[6] W. H. St. John Hope, "Seals of Gloucester," in *Trans. Bristol and Glouc. Archæol. Soc.* xiii. 385.

is shown by the existence of a common purse, for the burgesses announced to Edward II. that "out of the profits of the gild of merchants and of the town they supported eight bridges" and other town charges [1]. Further, however distinct the burghal polity and the merchant gild may have been in their origin, the latter must have exercised great influence upon the municipal constitution in the later stages of its development. From the first the gild formed a corporate body whose members were knit together by the identity of their commercial interests, and this example would awaken in the whole body of burgesses a feeling of unity and a consciousness of mutual bonds. Its influence would be felt more especially in dependent boroughs subject to mesne lords, which were struggling to emancipate themselves from seigniorial control and to acquire rights of liberty and self-government. Here the merchant gild became the nucleus round which the townsmen rallied in their fight for municipal freedom, and where they learnt to appreciate the possibilities of communal action and to organize themselves for purposes of aggression and defence. At Cirencester when the townsmen broke out into revolt against the supremacy of the abbey, their first step was to set up a merchant gild [2] as the symbol of their present triumph and the basis of their future activities.

Immunity from toll

The exclusive monopoly of the townsfolk in the regulation of trade was to a certain extent impaired by the claims of many of the chartered boroughs to carry their merchandise throughout England quit of toll. No mercantile privilege was valued more highly than that which released traders from all local customs in town, fair and market, outside the walls of their own borough. Already in Domesday Book the inhabitants of Dover who paid the king's dues went free of toll in every part of the realm [3], and later, grants of immunity became general. Henry's charter to London in 1131 enacted that "all the men of London shall be quit and free and all their goods, both throughout all England and throughout the seaports, of toll and passage and lastage

[1] W. Barrett, *History and Antiquities of Bristol* (1789), p. vii.
[2] *Trans. Bristol and Glouc. Archæol. Soc.* ix. part i. 335.
[3] *Domesday Book*, i. 1.

and all other customs"[1]. Other towns, Winchester and Wilton[2], enjoyed the same privilege in this reign. Subsequent charters of Angevin rulers were framed with liberal measure. The inhabitants of Wallingford were afforded relief "wherever they go trading through the whole land of England and Normandy, Aquitaine and Anjou, by water and by stronde, by wode and by londe"[3]. Similarly foreign towns enjoyed immunity in England: Rouen and St. Omer under Henry II., and Calais under Richard I.[4]. Sometimes the privilege was curtailed in favour of London[5], and sometimes, as at Cambridge[6], it was expressly restricted to members of the gild merchant. The mediate boroughs under the control of mesne lords, ecclesiastical and secular, were less favourably situated, and here it was beyond the power of their owners to confer immunities so extensive. The earl of Gloucester freed his town of Cardiff from all custom within the shire of Gloucester where he held sway; Lostwithiel received at the hands of Richard, earl of Cornwall, immunity from toll throughout Cornwall, "in fairs, markets and wherever they buy and sell"; the men of Denbigh and Llantrissaint received freedom from toll in all the lands owned by their lords throughout England and Wales; and the men of Sheffield went quit of toll in Hallamshire[7]. An unusual clause in the charter to Salford reserved the lord's right to the toll of salt[8]. In some cases, however, the seigniorial borough was enabled to acquire the larger franchise: Beverley, which under Henry I. had been released from toll in Yorkshire, paid King John the sum of five hundred marks to be free throughout all England[9].

[1] Liebermann, *Gesetze*, i. 525. [2] Gross, *Gild Merchant*, ii. 251.

[3] *Ibid.* ii. 245. Similarly, *ibid.* ii. 183, 202, 351, 373, 388. Bristol: Latimer, *Bristol Charters*, 5. Dublin: Gilbert, *Documents of Ireland*, 2.

[4] *Cal. Documents in France*, 34 (Rouen), 480 (Calais), 491 (St. Omer).

[5] Birch, *Charters of Lincoln*, 7 (1200).

[6] *Cambridge Borough Charters*, 5. Similarly, *Records of Nottingham*, i. 9, etc.

[7] (i.) Cardiff: *Records of Cardiff*, i. 11. But the immunity did not extend to raw hides and wool-fells. (ii.) Lostwithiel: *Hist. MSS. Comm. Various Collections*, i. 327. (iii.) Denbigh: *Survey of Denbigh*, p. cxviii. (iv.) Llantrissaint: *Archæol. Journal*, xxix. 351. (v.) Sheffield: Hunter and Gatty, *Hallamshire*, 55. [8] Harland, *Mamecestre*, i. 201.

[9] *Beverley Town Documents*, p. xviii; Farrer, *Early Yorkshire Charters*, i. 92.

extensively conferred.

Exemption from toll was claimed not only by chartered boroughs, but by all tenants of the Ancient Demesne of the Crown and by barons of the Cinque Ports. Tenants in Ancient Demesne paid no toll for the produce of their land, "because", says Coke, "at the beginning by their tenure they applied themselves to the manurance and husbandry of the king's demesnes"[1]. They were protected by a special writ of privilege, which stated that "according to the custom hitherto practised and approved in our realm of England, the men of the Ancient Demesne of the Crown of England are and ought to be quit from the payment of toll throughout our whole realm"[2]. Under Edward II. a judicial decision was given in a court of law that all tenants of Ancient Demesne went free of toll "by the law and custom of the realm", and the barons of the Cinque Ports "by their charters"[3]. Immunity from toll was often extended also to men of religion: Henry I. released the church of Malmesbury in England[4] and the monastery of St. Ouen in Rouen from toll and custom through the whole kingdom, and there are numerous other instances[5]. Sometimes it was even conferred on the ecclesiastical tenants of the Church: William II. conceded to the monks of Battle freedom from toll for their tenants all over England, and tenants of the sees of Canterbury and York also claimed the same right[6]. We may conclude, therefore, that this important privilege was not the prerogative of the merchant gild alone, but was frequently shared by ecclesiastics and even by villages.

Nature of the immunity.

The privilege of exemption from toll has generally been interpreted in a wide sense, but our views as to the exact nature of the immunity which it conferred need to be modified. There are indications that, in a large number of cases at any rate, the privilege was not valid for purposes

[1] Coke, *Second Part of the Institutes*, 221.

[2] A. Fitzherbert, *The New Natura Brevium* (ed. 1730), 520-521.

[3] *Plac. Abbrev.* 305 *b*, 321 *a*. Similarly S. P. H. Statham, *Dover Charters* (1902), 179.

[4] *Registrum Malmesburiense*, i. 333.

[5] Benham, *Red Paper Book of Colchester*, 48 (St. Ouen). Other examples are: *Hist. MSS. Comm. Various Collections*, i. 349; *ibid.* 10th Rep. App. iv. 454; Swinden, *Antiquities of Yarmouth*, 29; Davis, *Regesta Regum*, i. 54, 102.

[6] (i.) Battle: Davis, *Regesta Regum*, i. 76. (ii.) Canterbury: *Red Paper Book of Colchester*, 17. (iii.) York: Drake, *Eboracum*, 549.

of trade. Tenants in Ancient Demesne, for example, were not exempt from toll when they bought and sold their goods as merchants. This opinion conflicts with that of the great lawyer, Fitzherbert, who held that they were to "be quit of toll generally, although they do merchandise with their goods"[1]. But in spite of Fitzherbert's authority, his doctrine must be rejected as unsound. In 1286 a jury stated that the men of Southampton, a town of Ancient Demesne, ought not to be distrained for toll on wares purchased for their own use, but ought to pay toll for merchandise which they bought and sold as merchants[2]. Again in 1309 other tenants of Ancient Demesne successfully claimed that they were exempt from toll on small merchandise, ordinary provisions, except when they were dealers engaged in trade[3]. As late as 1517 and 1533, herring merchants from Suffolk complained before the Star Chamber and Court of Requests that the town of Hull had exacted toll, although they were tenants of Ancient Demesne. Hull defended its action on the ground that they ought to pay toll on "all manner of merchandise bought or sold by any of them, except it be of any such things bought by them as necessary for their own household, or for such corn or other things sold by them as groweth or else is brought up of the said ground so holden"[4]. In 1200 an inquisition was held at Ipswich to ascertain the validity of the claims made by certain religious persons to be free of toll in the town; the jury pronounced that they and their men were quit of custom, but only on things growing on their own lands and things bought for their own use, "but villeins who are merchants always paid custom"[5]. This decision was confirmed in 1274 in a regulation concerning the 'foreign burgesses' of Ipswich[6]. A complaint in the Hundred Rolls draws a similar distinction: the burgesses of Wallingford were accustomed to take toll from merchants only, whereas now,

[1] Fitzherbert, *The New Natura Brevium*, 521-522.
[2] *Plac. Abbrev.* 210 *a*. [3] *Ibid.* 305 *b*.
[4] *Select Cases in the Star Chamber*, ii. 120 (1517); *Select Cases in the Court of Requests*, 35 *seq.* (1533). [5] Gross, *Gild Merchant*, ii. 123.
[6] Bacon, *Ipswich*, 11. In 1254 Ipswich allowed the abbey of Albemarle and its tenants to be toll-free in the town, except merchants: *ibid.* 9. A similar arrangement was made at Lincoln: Birch, *Charters of Lincoln*, 66.

contrary to the tenor of their ancient franchise, they exacted toll from men of the county, who bought corn and other victuals for their household store[1]. Sometimes the scope of the privilege was expressly limited in the charter itself: the Conqueror issued a precept that all things which the monks of Abingdon bought *ad victum* were to be free from toll and custom[2].

How far effective.

The question of toll and custom is one of fundamental importance in the history of mediaeval commerce. Its exact economic significance lies in this: the immunity of outsiders from the payment of toll facilitated the growth of commercial intercourse, encouraged the development of internal trade, curtailed the monopoly of the gild-brethren, and finally helped to break down the custom barriers of the boroughs, thus paving the way for national economic unity. On this account it is important to decide how far the privilege was respected in everyday practice, and to what extent it succeeded in placing real limits to burghal exclusiveness. It has been said that the words of the charter conferring freedom from toll had but little immediate result, and were practically meaningless[3]. But there is abundant evidence to prove that the privilege did not remain a dead letter. In 1301 the city of London was ordered to restore to certain burgesses of Oxford their merchandise upon which the citizens had distrained for toll, "and to cease to demand such toll in future, inasmuch as burgesses of Oxford were by charter quit of all toll throughout the realm"[4]. A parallel instance is that of Andover in 1312, and of Ipswich in 1317[5], while in 1318 Reading also established its claim before the mayor of London in virtue of a charter granted as recently as 1253[6].

[1] *Rot. Hund.* i. 12 *b*.

[2] Davis, *Regesta Regum*, i. 54. But the distinction was not always enforced; see *Oak Book of Southampton*, ii. 47-53.

[3] Ashley, *Economic History*, ii. 44.

[4] *Letter Book C*, 106. Oxford again asserted its freedom from toll in 1330: *Collectanea* (Oxford Hist. Soc.), iii. 131.

[5] *Letter Book D*, 299 (Andover); Bacon, *Ipswich*, 53 (also p. 184 for 1512).

[6] *Records of Reading*, i. 283. In 1347 it renewed its claim: *Letter Book F*, 176. The Cinque Ports made good their claim to exemption (1516): Jeake, *Charters*, 8. For Exeter's claim, as a town of Ancient Demesne, see *Select Cases in the Star Chamber*, i. 71 *seq*.

Nor did the city of London stand alone in acknowledging the trading immunities of merchant strangers; there are numerous instances at Colchester and other towns[1]. In 1493 disputes arose between Bristol and Coventry; the former admitted the right of Coventry to be quit of ordinary tolls, but charged 'quayage' on the ground that the quay was of recent construction and therefore the tax was not included in their exemption[2]. It is clear, then, that immunity from toll was no barren or paper concession devoid of all relation to the realities of commercial life. Indeed at Norwich in 1289 a burgess was punished, because of his own accord he gave toll and custom in markets and fairs "contrary to the liberty of the city"[3]. A few years later (1313), distraint taken from certain citizens of Norwich at Boston fair on account of their refusal to pay toll was restored upon the production of their charter[4]. We have already seen how steadfastly the citizens of London adhered to their privileges at the fairs of Bury St. Edmunds and Waltham, and there are other examples[5]. Nor is it possible to agree that the exercise of the privilege always depended upon the priority of the grant[6]. In the thirteenth century the question was still unsettled, but subsequently even where a borough was able to urge an older charter in support of its trade monopoly, it was usually compelled to recognize the validity of charters conferred at a later date. The men of Marlborough were declared to be free of toll and custom in Southampton, "notwithstanding that the charter of the men of Southampton is older than the charter of the men of Marlborough"[7]. Eton College founded by Henry VI. claimed to be quit of toll in Bristol, whose charter was granted by Henry II[8]. London, whose privileges dated from

[1] Colchester: *Red Paper Book*, 17, 60, 97, 102. Bristol: *Little Red Book*, ii. 199, and following note. Torksey: *Records of Nottingham*, i. 139.

[2] *Coventry Leet Book*, ii. 549-552. For the settlement: *ibid.* iii. 599.

[3] Hudson, *Leet Jurisdiction in Norwich*, 29.

[4] *Records of Norwich*, ii. 327.

[5] *Supra*, p. 220. See also *Select Cases in the Star Chamber*, i. 36.

[6] This was the legal view: Bracton, f. 56 *b*, f. 58; Fitzherbert, *Natura Brevium*, 518 (note *c*). Similarly, Gross, *Gild Merchant*, i. 44 (*n.* 6). The cases in *Bracton's Note-Book* dealing with the exaction of tolls are: vol. ii. pp. 14, 121; iii. 141, 559.

[7] *Charter Rolls*, i. 244 (1239).

[8] *Little Red Book of Bristol*, ii. 232. At Yarmouth, which claimed to

the twelfth century, acknowledged those of Reading, which belonged to the thirteenth. Indeed, if the date of the charter determined the validity of the grant, London whose charter was the oldest in England could have taken toll from every town in England. But though some charters expressly contain a clause, "saving in all things the liberties of the city of London" [1], many towns, as we have seen, were allowed to go toll-free in London itself.

Immunity conceded in actual practice.

It would be easy to multiply proofs in support of the contention here advanced that the privilege of exemption from toll was a real one. It was usual for burgesses and men of religion travelling in other towns to carry with them letters or memoranda of their claims to immunity from custom, and these were often entered upon the town records as evidence. The *Oak Book* of Southampton contains mention of over forty boroughs enjoying immunity from toll, and a long list is also inserted among the records of Bristol and Yarmouth [2]. Many of the charters, it may be added, are of more recent date than those of Southampton, Bristol or Yarmouth. Examples of the passports carried by burgesses are found at Leicester and Northampton [3]. Their purpose was to prevent false claims on the part of non-burgesses, and they serve to show that discrimination in the levy of tolls was made as a matter of course between those who were qualified for exemption, and those who were not. The distinction is implied in John's charter to Chesterfield, where toll was allowed to be taken in the markets from those who had no franchise (*libertates*) [4]. Again, many boroughs were protected from infringement of their charters by the right to make reprisals; they were definitely empowered to distrain upon the goods of traders

impose toll by virtue of a charter from John, the men of Grimsby were allowed to go free of toll by virtue of a grant from Edward II.: Swinden, *Antiquities of Yarmouth*, 28.

[1] Birch, *Charters of Lincoln*, 7. For Stafford, *infra*, p. 259.

[2] *Oak Book of Southampton*, i. 6-21; *Little Red Book of Bristol*, ii. 132, 199, 211, 232 *seq.*; Swinden, *Antiquities of Yarmouth*, 28 *seq.*

[3] *Records of Leicester*, ii. 230 (1420), iii. 191; *Records of Northampton*, i. 378-380. At Colchester (1491) Billericay men presented letters and were excused toll: *Red Paper Book*, 97.

[4] Yeatman, *Records of Chesterfield*, 25.

domiciled in their midst, who came from the town where toll had been taken. Henry I.'s charter to London contained the passage that "if any one take toll or custom from the citizens of London, the citizens of London shall take in the city from the borough or town where the toll was taken as much as the Londoner gave for toll"[1]. Accordingly, in the fourteenth century we find many letters addressed by London to the authorities of provincial towns threatening to take 'withernam', that is, to seize the goods of their citizens whenever they repaired to London, unless they restored the toll they had taken[2]. The right of 'withernam' was also conferred on many other towns, Northampton, Yarmouth, Lincoln, Dublin, Colchester[3]. These concurrent indications all bear out the view that exemption from toll was a normal and familiar practice. Equally also they afford a strong presumption that the degree of internal free trade enjoyed by English merchants and others in the Middle Ages has been unduly minimized.

Monopoly of the gildsmen often only nominal.

Dr. Gross has taught us to recognize as the essence of the gild merchant the exclusive right of its members to trade within the borough. But the conviction is forced upon us that the monopoly of the gildsmen must often have tended to be more nominal than real. One example may serve to show how the monopoly was apt to work out in practice. In 1280 a burgess of Stafford brought a lawsuit against the town of Newcastle-under-Lyme, because it had taken from him four ells of cloth in which he was trading in Newcastle. The defendants pleaded that burgesses of Newcastle alone were entitled to cut cloth or keep open shop within their town. The plaintiff rejoined that "all the burgesses of Stafford possess all liberties and free customs the same as any other burgess of England, saving within the city of London"; judgment was therefore given in his

[1] Liebermann, *Gesetze*, i. 525.

[2] R. R. Sharpe, *Calendar of Letters* (1885), *passim*. See also *infra*, p. 274. For a letter from Rye to the authorities of Hull (1580), see Jeake, *Charters of the Cinque Ports*, 57.

[3] (i.) Northampton: *Select Civil Pleas*, i. No. 27. (ii.) Yarmouth: Rymer, *Fœdera*, i. part i. 100. (iii.) Birch, *Charters of Lincoln*, 4. (iv.) Gilbert, *Documents of Ireland*, 53. (v.) Benham, *Charters of Colchester*, 2.

favour[1]. Approached from this fresh standpoint, the merchant gild does not appear quite in the old light, and its claims when put to the test of law and economic practice seem to undergo an appreciable shrinkage.

Communal responsibility for debts.

We have seen how the trading community of every borough enjoyed extensive privileges which served to strengthen the solidarity of its members; on the other hand, it was burdened with corresponding obligations. In each town the merchants formed a close corporation[2] sharing mutual responsibilities and common liabilities; in particular they were held responsible for debts contracted by any of their fellowship in the way of his trade. Early in the twelfth century the city of London acquired the right to distrain on the fellow-townsmen of defaulting debtors[3]. Gradually the privilege of 'withernam' was extended to other towns[4]; but it was always conferred by charter, an indication that strictly it was an exceptional and not a normal part of the ordinary municipal franchise. In any case it clearly became the general practice, and most towns probably had recourse to it either in virtue of a charter or by usurpation. It has been supposed that this system of reprisals originated in the idea that a community was under a certain liability or guarantee for the debts of traders who belonged to it[5]. But it appears more likely that the practice gained ground as the only possible method of impressing upon the debtors' court elementary notions of right and wrong, and its duty to deal justice to the stranger. This is shown by a passage in the Leicester custumal, where it is distinctly stated that they were "wont to distraint neighbour for neighbour" in order "to produce" the debtor[6]. In this respect the system of intermunicipal reprisals is analogous to that of modern international reprisals[7], and the individual who

[1] *Banco Roll*, Mich. 8-9 Edw. I.; *Wm. Salt Archæol. Soc.* vi. part i. 111.

[2] Cf. Fleta (ed. 1647), c. 63, § 4: "quod erant tali debitori affines, *ut de una societate, vel civitate*". [3] Liebermann, *Gesetze*, i. 525.

[4] Benham, *Charters of Colchester*, 2; *Charter Rolls*, i. 158 (Waterford); Gilbert, *Documents of Ireland*, 52 (Dublin), 94 (Drogheda). See also *Borough Custumals*, i. 120 for other examples.

[5] Maitland in *Cambridge Borough Charters*, p. xix.

[6] *Records of Leicester*, i. 163.

[7] Gierke, *Genossenschaftsrecht*, *cit. Select Pleas in Manorial Courts*, i. 135.

was made to answer for the default of a fellow-burgess would bring pressure to bear upon the recalcitrant debtor to ensure that the debt were discharged and his own losses refunded. The procedure ordinarily adopted was for the authorities of the town, to which the creditor belonged, to approach the debtor's court with a request for the payment of the debt [1]; if justice were not done, they proceeded after repeated warnings to take action by seizing the goods of any trader of the offending community who repaired to their midst.

Immunity from distraint.

The custom by which the wayfarer passing through a town could be called to account for the acts of others was not only extremely injurious, but also restricted the freedom of commercial intercourse. This is shown by the complaint of the men of Hereford that, owing to "frequent wrongful arrests for debt" in Wales, "they are compelled to cease passing through Wales for the practising their occupation of merchandise" [2]. It rendered merchants exposed at any moment to the dangers of arbitrary arrest or seizure of their goods for debts of which they were neither pledges nor sureties, and active steps were therefore taken to obtain immunity from wrongful distraint. In some towns the burgesses made the payment of the foreigner's debt a communal liability, meeting it out of the common funds, and afterwards recovering it with interest from the debtor or taking his house into their hands [3]. In others the citizens endeavoured to protect themselves by compelling the debtor to repair the mischief which his fellow-burgesses had suffered from his default. At Yarmouth, if a debtor refused satisfaction to a neighbour distrained on his account, he "was cast out of the community" [4], and at Leicester the bailiffs were "to close his house with bolts and forbid him ingress" [5]. The men of Hereford held that a burgess ought not to bring trouble upon his fellow-citizens by failure to meet his obligations, and where he had neither real nor personal

[1] Sharpe, *Cal. of Letters, passim.*

[2] *Hist. MSS. Comm.* 13th Rep. App. iv. 287. For complaints in the Hundred Rolls against the practice, see (*e.g.*) Lord J. Hervey, *Hundred Rolls, Lothingland (Suffolk)*, 71, and J. P. Yeatman, *Feudal History of Derbyshire* (1889), ii. sect. iii. 66.

[3] *Borough Custumals*, i. 126-127.

[4] *Ibid.* i. 117.

[5] *Records of Leicester*, i. 114.

property to discharge his liabilities, they inflicted the penalty of imprisonment: "for we say that all of us are bound to love one another and in all things to correct each other by good means, and in no wise should we cause or drive any to suffer mischief"[1]. But in the main towns sought to secure by charter protection from reprisals in other towns. Bristol (1188), Dublin (1192), Barnstaple (1200), Marlborough (1204), and Winchester (1215), gained the concession that no burgess should be distrained for any debt unless he were himself the debtor or a surety of the debtor[2]. At Dunwich (1205), on the other hand, the concession was modified; the burgesses were not to be distrained for any debt for which they were not sureties or principal debtors, *unless their community had failed in doing justice*[3]. This conditional proviso was to be the keynote of Henry III.'s municipal policy. During the first forty years of his reign the towns to all appearance made no constitutional advance and failed to extend their immunities[4]. In 1255, however, Henry accepted the crown of Sicily for his son, and, helplessly involved in continental entanglements, was driven to every possible fiscal device for raising supplies of money. The king's extremity proved the opportunity of the municipalities, and on this ground we may doubtless explain the appearance of a large number of borough charters at this particular juncture. In 1255 Norwich, Nottingham, Northampton, Lincoln and Lynn, in 1256 York, Scarborough, Hereford, Shrewsbury, Southampton, Cambridge, Canterbury and Bridgnorth, in 1257 Oxford, Stamford and Guildford, in 1259 Retford, in 1260 Berwick, and in 1263 Worcester, secured the partial immunity from distraint which Dunwich had acquired half a century earlier[5]. The burgesses were

[1] *Borough Custumals*, i. 119. For Grimsby, cf. *Charter Rolls*, ii. 15.

[2] Ballard, *Borough Charters*, 165-166; Gilbert, *Documents of Ireland*, 53. On the subject of immunity at fairs, see *supra*, p. 227.

[3] Ballard, *Borough Charters*, 165.

[4] Waterford, however, secured complete immunity in 1232: *Charter Rolls*, i. 158.

[5] *Ibid.* vol. i. 442 (Lincoln), 443 (Northampton), 444 (Lynn), 447 (Norwich), 448 (Nottingham), 456 (Guildford), 471 (Oxford), 472 (Stamford); *ibid.* vol. ii. 24 (Retford), 32 (Berwick), 48 (Worcester); *ibid.* vol. iii. 186 (York), 190 (Scarborough), 239 (Hereford), 426 (Shrewsbury). Bridgnorth: R. W. Eyton, *Antiquities of Shropshire* (1854), i. 307.

not to be arrested for any debt of which they were neither sureties nor principal debtors, unless the debtors of their community were solvent and their court had made default in justice to the creditors. About the same time also, and a few years later, the privilege was extended at the instance of the king's brother Richard, king of the Romans, to alien merchants of certain foreign towns with the same conditional proviso limiting its operation. The traders of St. Omer, Groningen, Ghent, Douai and Lübeck, among others, were exempted from arrest, "unless perchance the debtors themselves be of their commune and jurisdiction having the wherewithal to pay their debts" [1]. Only in the closing years of Henry's reign, under the influence of Prince Edward [2], did a more enlightened municipal policy begin to prevail. In 1268 Northampton, and in 1272 Nottingham and Beverley [3], secured a confirmation of their charters with the proviso omitted: the burgesses of Nottingham "shall have for ever throughout our whole land and jurisdiction this liberty, to wit, that they and their goods found in whatsoever place in our jurisdiction shall not be arrested for any debt of which they are not the pledges or principal debtors".

Innovations introduced by statute law.

Under Edward I. commercial practice underwent considerable modification, and the procedure for the recovery of debts entered on a fresh stage of its history. The first Statute of Westminster (1275) provided "that in no city, borough, town, market, or fair, there be no foreign person which is of this realm distrained for any debt wherefore he is not debtor or pledge" [4]. This clause also appears

Southampton: H. W. Gidden, *Charters of Southampton* (1909), i. 8. Cambridge: *Cambridge Borough Charters*, 15. Canterbury: *Hist. MSS. Comm.* 9th Rep. part i. App. 166. But Leicester did not gain this partial immunity till 1269: *Records of Leicester*, i. 56.

[1] *Charter Rolls*, i. 441 (St. Omer, 1255), ii. 10 (Groningen, 1258), 22 (Ghent, 1259), 40 (Aardenburg, 1262), 133 (Abbeville, 1269). Douai (1260): *Letter Book B*, 233. Lübeck (1266): *Patent Rolls*, 1266-1272, p. 20.

[2] The proviso had been omitted by Edward in his charter to Carmarthen (1257): *Charter Rolls*, i. 461.

[3] *Records of Northampton*, i. 50; *Records of Nottingham*, i. 53; *Charter Rolls*, iii. 100 (Beverley). The proviso was omitted in the case of La Mote (Kent) in 1266: *ibid.* ii. 61.

[4] *I.e.* an Englishman not a freeman of the town: *Statutes*, i. 33. The statement that "the Statute of Westminster merely enforced what had become the rule of all the greater boroughs" (Bateson, *Borough Customs*,

in the charters of the North Welsh boroughs[1], and it was followed in 1283 by the Statute of Acton Burnell which instituted a new system. The preamble states that "merchants, which heretofore have lent their goods to divers persons, be greatly impoverished because there is no speedy law provided for them to have recovery of their debts at the day of payment assigned, and by reason hereof many merchants do refrain to come into this realm with their merchandise, to the damage as well of the merchants as of the whole realm". Accordingly, it was ordained that an official record of all debts should be kept in London, York and Bristol, and after the day of payment had expired, the personal property of the debtor should be distrained upon by the mayor, while in default of effects the debtor was to be imprisoned until the debt was paid[2]. The contemporary author of the *Mirror of Justices* condemned this innovation of imprisonment for debt as a violation of Magna Carta[3]. A subsequent enactment (the Statute of Merchants, 1285) amended the previous statutes in two directions: debts could now be enrolled before the authorities of any town, and immovable as well as movable property became liable to distraint[4]. In 1312 the number of towns was limited to twelve[5].

Conflict with borough custom.

The famous Statute of Westminster appears, as we have seen, to condemn in set terms the old borough system of reprisals. Contemporary writers interpreted it in this light[6], and Coke, after recounting the evils of the older practice, adds "which customs are taken away by this statute"[7]. None the less we are impelled to the conclusion that either the statute does not mean what it is commonly held to imply, or that it remained largely a dead letter. It is entirely inconsistent, for instance, with

ii. p. liv.) overlooks the fact that the immunity enjoyed by most of the greater boroughs under Henry III. was incomplete. In 1353 the Statute of Westminster was extended to alien merchants: *Statutes*, i. 339. But the Hansards had already secured this privilege in 1317: *Charter Rolls*, iii. 371.

[1] Lewis, *Boroughs of Snowdonia*, 124. For examples, see *Charter Rolls*, ii. 280, 406, etc.

[2] *Statutes*, i. 53.

[3] *The Mirror of Justices*, 179, 199.

[4] *Statutes*, i. 98.

[5] *Ibid.* i. 165.

[6] Fleta, c. 63, § 4.

[7] Coke, *Second Part of the Institutes*, 204.

the letters patent granted in 1315 to Ravenser in Yorkshire "for the improvement of the town", that for four years no inhabitant shall be distrained for debt whereof he is not the principal debtor or surety. In 1313 Lynn received a similar grant for seven years, which was renewed in 1341 for ten years; and Great Yarmouth (1321), Hull (1331), and Newcastle (1341) are further examples[1]. These grants seem to indicate that the Statute of Westminster had failed in its purpose, and that the old borough rights still held ground. It is easy in fact to exaggerate the importance of statute law, and we have a significant reminder of the attitude of the boroughs towards parliamentary enactments in the contention advanced in a fifteenth-century custumal: "New statutes do not alter the free customs of the said town"[2]. Where the Statute of Westminster was carried into operation, it was rather by virtue of its incorporation as part and parcel of the town custumal, as at Leicester in 1277[3]. In this connection it is important that when parliament petitioned in 1391 for the enforcement of Edward's statute in Cheshire and Wales, the king refused the request[4]. Indeed, there is evidence that in the west of England at any rate the earlier commercial usages survived to a late period. The border counties sent up a complaint to parliament in 1376 that their traders were arrested for debts other than their own[5], and in 1396 Shrewsbury was given leave to make reprisals in cases of unfair distress[6]. Hereford (1394)

[1] (i.) Ravenser: *Patent Rolls*, 1313–1317, p. 273. (ii.) Lynn: *ibid.* 1307–1313, p. 585; *ibid.* 1340–1343, p. 178. (iii.) Newcastle-upon-Tyne: *ibid.* 1340–1343, p. 187 (a grant for ten years). (iv.) Yarmouth: *ibid.* 1321–1324, p. 34 (for one year). (v.) Hull: Boyle, *Charters of Kingston upon Hull*, 18. In 1346 Hugh le Despenser made a similar grant to Llantrissaint: *Archæol. Journal*, xxix. 352.

[2] *Borough Custumals*, i. 132 (Sandwich, referring to the law of debt). Cf. the remarks of the chronicler (Walsingham, vol. ii. 48) on the effectiveness of mediaeval legislation: "sed quid juvant statuta Parliamentorum, cum penitus expost *nullum sortiantur effectum*? Rex nempe cum Privato Consilio cuncta vel mutare vel delere solebat, quae in Parliamentis antehabitis tota regni non solum communitas, sed et ipsa nobilitas, statuebat". Walsingham here makes the king the scapegoat, but there were deeper causes at work. Borough custom was no less tenacious than manorial custom (compare, *e.g.*, archaic survivals in borough jurisdiction), and national law did not easily overcome local law.

[3] *Records of Leicester*, i. 163.

[4] *Rot. Parl.* iii. 295 *b*.

[5] *Ibid.* ii. 352 *b*.

[6] *Hist. MSS. Comm.* 15th Rep. App. x. 4.

secured a similar concession [1], but even in the fifteenth century [2] it was still struggling to protect its traders from distraint in other towns, as though the act of 1275 was either ignored or completely forgotten.

Regulation of trade.

II. An important department of town administration dealt with the strict regulation of trade, and a stringent control over all buying and selling became everywhere the normal feature of municipal activity. The mediaeval burghers were not convinced that man's self-love is God's providence, or that the economic interests of the individual and society necessarily and invariably coincide. They perceived that a collision of interests frequently arises, and, acting on the assumption that the welfare of the community constituted the primary purpose of commercial dealing, they did not hesitate to impose restrictions which in our own day would be condemned as harmful or futile. Their ordinances were often narrow, and sometimes defeated the objects they had in view, yet they were framed as a rule with the intelligible purpose of protecting the consumer as far as possible from the greed and fraud of unscrupulous dealers. The varied character of these ordinances can best be illustrated by concentrating attention on the following points: the assize of bread and ale, and regulations affecting wholesale and retail trading. The assizes of bread and ale established a sliding scale, which regulated the weight of bread according to the price of wheat, and the price of ale according to the price of wheat, barley and oats. At Beverley the keepers of the town elected three of their number to supervise the assizes for the year [3], and at Southampton the assizes were ordered once a month or at least four times a year to "be well kept in all points according to the price of corn" [4]. In London proclamation was made that every brewer or 'brewster' should sell the gallon of best ale for three halfpence, and the gallon of inferior ale for one penny, and no more, "and that they make and brew as good ale or better, as they were wont" [5]. The diffi-

[1] *Ibid.* 13th Rep. App. iv. 287.

[2] See the citation from the town custumal, *supra*, p. 261. The date is 1486.

[3] *Beverley Town Documents*, 41.

[4] *Oak Book of Southampton*, i. 43.

[5] Riley, *Liber Albus*, i. 358.

culty of keeping the assizes may be gathered from the fact that in 1309 London contained more than 1300 brewers[1], while at Chester 121 brewers were fined in a single session[2]. But the assizes were not merely a matter of local concern, for the central government early insisted on the uniformity of prices and measures throughout the realm. The constant travels of the king and his nobility from estate to estate serve to explain the active steps taken by them to curtail the opportunities of deceit, readily afforded by the diversities of local customs. The earliest enactments applying uniformly to the whole country dealt with the ordering of the assizes, and it was here that national legislation first came to supersede or at any rate to supplement municipal regulation. In 1202, according to Matthew Paris, the king caused general proclamation to be made that the legal assize of bread should be inviolably kept under penalty[3], and a statute ascribed to the reign of Henry III. (1266) fixed the price of ale and the weight of the farthing loaf of bread[4]. But while these enactments emanated from the central government, they were enforced in the ordinary local courts.

Unpopularity of victuallers.

Hatred of the miller, the baker and the brewer was deeply engrained in the hearts of the mediaeval burgesses. They were convinced that every miller stole meal and corn, that bakers gave false weight and took excessive charges for baking bread, and that brewers adulterated their ale and dealt short measure[5]. It is difficult to determine how much truth there was in these accusations, and how far the stringency of the regulations forced upon provision dealers an inevitable recourse to evasion and fraud. Municipal ordinances must frequently have lagged behind the constant alternations in the market supplies, and the consumer was probably unable or unwilling to distinguish between a natural and an artificial scarcity. However this may be, the unpopularity of those who dealt in victuals is undoubted. The old Bristol chronicler, for example, praised Edward I.

[1] *Letter Book D*, p. xix.
[2] Morris, *Chester*, 430.
[3] M. Paris, *Chronica Majora*, ii. 480.
[4] *Statutes*, i. 199.
[5] Millers 'steal meal and corn', and bakers 'make nought bread after the assize': *A Chronicle of London, 1089–1483* (1827), 27. Bakers take excess: *Records of Nottingham*, i. 317.

that he "redressed many enormities and especially the false dealing of bakers and millers" [1]. The occupation of brewing and selling ale was mainly in the hands of women, and a familiar figure in the Middle Ages was the fraudulent ale-wife, charged with a multiple of offences—breaking the assize of ale, buying corn before it came to the market and avowing the goods of strangers as her own [2]. In the Chester Cycle the pageant of the *Harrowing of Hell* was entrusted to Cooks, Tapsters, Hoslers and Innkeepers, and the wail of the ale-wife sheds light upon her misdeeds.

"Some time I was a taverner,
A gentle gossip and a tapster,
Of wine and ale a trusty brewer,
Which woe hath me wrought.
Of cans I kept no true measure,
My cups I sold at my pleasure,
Deceiving many a creature,
Though my ale were naught . . .
Therefore this place ordained is
For such ill-doers so much amiss,
Here shall they have their joy and bliss" [3].

Heavy penalties were occasionally inflicted on offenders who broke the assize of provisions. According to Domesday, any man or woman at Chester who gave false measure, or brewed adulterated ale, paid a penalty of four shillings or was placed in the 'cucking-stool' [4]. Sometimes criminal bakers were drawn upon hurdles through the streets of the town with the defective loaf hanging round their necks, "and otherwise punished as is practised in like manner with regard to such bakers in our city of London" [5]. The seller of unsound wine was compelled to drink a draught of the wine which he sold, while the remainder was then poured over his head [6], a poetic form of justice. All fairs and markets

[1] *Adams's Chronicle of Bristol*, 27. See also *A Chronicle of London, 1089–1483*, 274.
[2] Hudson, *Leet Jurisdiction in Norwich*, 51.
[3] Morris, *Chester*, 314.
[4] *Domesday Book*, i. 262 *b*.
[5] Riley, *Liber Albus*, i. 265; *Trans. Bristol and Glouc. Archæol. Soc.* iii. 96 (Bristol charter, 1347).
[6] Riley, *Memorials*, 318.

were required to have a pillory and a tumbril for corporal punishment, and where the lord substituted the milder but more profitable penalty of pecuniary amercement, he was liable to lose his franchise[1]. We are inclined, however, to think that the elaborate system of punishments devised for breaches committed against the assizes was in practice largely illusory. In 1289 the total amercements assessed for various offences at Norwich[2] amounted to over seventy-two pounds, while the money actually paid into the court was only seventeen pounds; evidently it was one thing to levy fines and another to collect them. The bakers also evaded the penalties of wrong-doing, according to the London chronicler, by bribing the authorities to allow them to make deficient loaves at their pleasure a third or a quarter lighter in weight[3]. It is, therefore, not surprising to be told that at Coventry "the commons rose and threw loaves at the mayor's head in St. Mary's Hall, because the bakers kept not the assize, neither did the mayor punish them according to his office"[4]. To all appearance, moreover, the punishment of a victualler carried with it no stigma or discredit. At Chester an alderman, William Ball, was fined for the sale of beer on holy days. The next year he was made mayor, and after his tenure of office was again fined for having sold beer on Sunday during his mayoralty[5]. Breaches of the assize were in fact the commonest of mediaeval offences. Jurors constantly make presentments that all the ale-wives sell beer contrary to the assize, and that all the bakers have broken the assize of bread[6]. Indeed at Chester one offender was presented continually for no less than twelve years[7].

Excluded from municipal offices.

Mediaeval distrust of the victuallers deepened when they began to fill municipal offices, for then the assizes were still more apt to be honoured in the breach than in the observance. To safeguard against illegal connivance of offences on the

[1] *Placita de Quo Warranto*, 152-155; *Patent Rolls*, 1388–1392, p. 504.
[2] Hudson, *Leet Jurisdiction in Norwich*, p. xl.
[3] *De Antiquis Legibus Liber*, 159; cf. also *ibid.* 122, 145.
[4] M. D. Harris, "Laurence Saunders", in *Eng. Hist. Review*, ix. 635.
[5] Morris, *Chester*, 430 (1567).
[6] Hudson, *Leet Jurisdiction in Norwich*, 3, 5, 7 . . . 50, 72, etc.
[7] Morris, *Chester*, 414.

part of the magistrates, the Statute of York (1318) enacted that no officer responsible for the maintenance of the assize should engage in the victualling trade during his term of authority; and steps were taken to prevent the act from remaining a dead letter[1]. In 1382 the prohibition was renewed, but this time the statute was a mere device on the part of the non-victualling crafts in London to exclude their enemies from office[2]. But in spite of these measures and renewed complaints victuallers continued to hold civic offices[3]. Eventually in 1512 the statute of 1318 was repealed, and the reason alleged was that many "cities, boroughs, and towns corporate within this realm of England be fallen in decay and ruin, and not inhabited with merchants and men of such substance as they were at the time of making of the aforesaid statute." There were now "few or none other persons of substance" in towns beyond brewers, fishmongers, vintners and other victuallers. Accordingly they were allowed to hold office, but two officials "discreet and honest persons" were to assess the price of victuals[4]. This act appears to have been carried out, for in 1539 when a victualler was elected mayor of Coventry two men were appointed "to assist the mayor in fixing the price of victuals"[5].

Engrossing, forestalling and regrating

The system of assizes and uniform weights and measures represented an attempt to set up a recognized standard of quantity and quality; at the same time it was rendered necessary to adopt further means to protect the "poor commons" from extortion and "other corrupt practices against the common and merchant law"[6]. To the mediaeval mind it was intolerable that dealers and middlemen should manipulate supplies with the avowed object of forcing up prices, and market regulations were framed to facilitate by

[1] *Statutes*, i. 178. A commission was appointed to inquire into offences against the act: *Patent Rolls*, 1317–1321, p. 605.

[2] *Statutes*, ii. 28. It was petitioned for by London (*Rot. Parl.* iii. 141 *b*) where the non-victuallers were in power: see *infra*, pp. 338, 454.

[3] *Hist. MSS. Comm.* 9th Rep. part i. App. 174 (Canterbury); *ibid. Various Collections*, i. 10 (Berwick, where in 1505 it was forbidden).

[4] *Statutes*, iii. 30.

[5] *Coventry Leet Book*, iii. 738. But the prohibition against victuallers holding office is repeated at Oxford in 1536: *Oxford Records*, 139.

[6] *Patent Rolls*, 1301–1307, p. 325.

fair competition both adequate supplies and low prices. The aims of mediaeval legislators were permeated by conceptions of a 'just price' that was fair alike to producer and consumer. They sought, in terms laid down in a municipal ordinance at Chester, to ensure the sale of "good and wholesome victual at *reasonable prices*" [1]. Accordingly prices were often regulated by authority; at Coventry, for example, the mayor compiled a book of the price of victuals "and set it upon the south door of the minster" [2]. At the same time repeated efforts were made to extirpate the kindred abuses of engrossing, forestalling and regrating [3]. Engrossers purchased corn while it was "standing in the field unshorn and growing", or before it was winnowed or brought to the market, and then kept it back till its value had risen. Forestallers bought up goods or victuals on their way to the market to get them more cheaply. Regrators purchased commodities in the market itself at advantage, and sold them again at higher prices. These offences violated mediaeval conceptions of commercial morality, and were the more dreaded since the narrow area from which supplies were drawn aggravated enormously the evils of a dearth or a "corner" in trade. The extent to which forestalling heightened prices may be gathered from complaints made at Norwich in 1375, that "Roger de Bergham to such an extent forestalled divers kinds of corn by himself and his servants in the market, and in the streets, lanes and gates of the city, that the price of one coomb [four bushels] of wheat rose from forty-two pence to five shillings" [4]. Again in 1411 a commission was appointed to inquire into cases of forestalling, and at Beccles it found that one offender had bought sixty quarters of barley at forty pence the quarter and sold them at double the price [5]. Apart from the desire to avoid extortion, the activity of the magistrates was doubtless stimulated by the fact that forestalling involved loss of toll,

[1] Morris, *Chester*, 403.

[2] *Coventry Leet Book*, iii. 589 (1498). For other examples of municipal regulation of prices, *infra*, p. 339.

[3] *Statutes*, iv. part i. 148. See also Illingworth, *Inquiry into Forestalling* (1800), 9 *seq.*; and (for Chester), Morris, 395-403.

[4] Hudson, *Leet Jurisdiction in Norwich*, 64. Similarly 65.

[5] Illingworth, *op. cit.* 240. For other cases, *ibid.* 239-249.

and was "to the great hindrance of the city revenues"[1]. Among the municipal records of Bristol we find a vivid and unsparing denunciation of forestalling in terms that are constantly reproduced in mediaeval documents[2]. The forestaller is described as "a manifest oppressor of the poor and a public enemy of the whole commonalty and country, who hastens to buy before others, grain, fish, herrings, or anything vendible whatsoever, coming by land or by water . . . making gain, oppressing his poorer and despising his richer neighbours, and who designs to sell more dearly what he so unjustly acquired. Who also besets foreign merchants coming with their merchandise, offering to sell their goods for them, and suggesting to them that they could sell their goods more dearly than they were proposing to sell them, and so by fraudulent art or craft he misleads town and country". The forestaller was forbidden to dwell in towns, and statute law was reinforced by charters[3] and local regulations by which the burgesses endeavoured to supervise and control the market. To prevent engrossing, we find ordinances that no victualler should conceal the provisions which he had to sell, and that no one should store any grain from one market to another to sell it at a higher price under penalty of forfeiting his stock[4]. The orders of the Court of Admiralty bade inquiry be made concerning merchants and mariners, who went out of the ports to meet ships laden with merchandise and bought up their cargoes wholesale[5]. In London also forestalling was prohibited, and an ordinance against regrating forbade retail dealers to buy corn, fish, poultry, or victuals before sunrise, or "before the reputable men of the city have bought, under penalty of forfeiting the goods bought"[6]. In many other towns also, at York, Norwich, Bristol, Chester, Southampton and Beverley[7], no corn or grain was sold in the market-

[1] Morris, *Chester*, 400; Hudson, *Leet Jurisdiction*, 2, 62.

[2] *Little Red Book of Bristol*, ii. 220. Similarly *Statutes*, i. 203, etc. For laws against forestalling, see Illingworth, *op. cit.* 21-89.

[3] Birch, *Charters of London*, 40 (1268); Roberts, *Lyme Regis*, 27 (1285).

[4] Riley, *Memorials of London*, 312; *Little Red Book of Bristol*, ii. 225.

[5] *Black Book of the Admiralty*, i. 71.

[6] Riley, *Liber Albus*, i. 263; *Letter Book A*, 217.

[7] (i.) Drake, *Eboracum*, 213; (ii.) *Records of Norwich*, i. 181; (iii.)

place until the market bell had rung and the citizens had made their purchases: the forestaller was punished by the seizure of his stock, and, if a burgess, sometimes also with the loss of freedom and civic rights[1]. But the difficulty with which these evils were combated is shown by the remark of a seventeenth-century writer, that in his time "these monopolists began to swarm like the frogs of Egypt"[2]. The fishmongers, for example, avoided punishment by concealing their fish and exposing only one at a time for sale[3].

Municipal granaries.

It is not unlikely that the ordinances against corn speculation overstepped the limits of their legitimate application, and led to a shortage of supply by discouraging the qualities of prudence and foresight. In London it frequently became necessary for the municipal authorities to take steps to avert famine; in 1417 the king sent a letter to the Master-General of the Teutonic Order, asking him to encourage the export of corn from Prussia into England[4]. In 1429 there was extreme scarcity, and the common council of London sent abroad to buy corn for the inhabitants[5]; ten years later the mayor caused corn to be brought from Prussia[6]. A merchant of Bristol bequeathed to the town a hundred marks to be employed in purchasing corn for the use of the town whenever a scarcity occurred[7], and at Norwich wheat and other grain were bought for the city and sold in the market to the poor at reasonable prices[8]. Indeed the pressure of circumstances forced upon the municipalities the recognition that, if engrossing and forestalling were prohibited to the individual, it was all the more incumbent upon them to exercise foresight and adopt precautionary measures by the institution of municipal granaries[9].

Little Red Book of Bristol, i. 38, 39; (iv.) Morris, *Chester*, 395-396; (v.) Davies, *Southampton*, 149; (vi.) *Beverley Town Documents*, 38.

1 *Records of Nottingham*, i. 323 (stock forfeited); Bacon, *Ipswich*, 54 (citizenship forfeited).

2 Powell, *Ancient Courts of Leet, cit.* Hearnshaw, *Leet Jurisdiction*, 114.

3 Morris, *Chester*, 400.

4 *Letter Book I*, 174.

5 *Ibid. K*, 92.

6 Stow, *Survey* (ed. Kingsford), i. 109.

7 *Little Red Book of Bristol*, i. 174 (1434).

8 *Records of Norwich*, ii. 126 (1550).

9 On municipal granaries, etc., see Ashley, *Economic History*, ii. 33-38, and Leadam, *Select Cases in the Star Chamber*, vol. ii. Introd.

III. Attention has been drawn to a marked characteristic of English mediaeval towns, the cohesion, self-dependency and jealous isolation of the various municipal units. Nowhere is this characteristic more apparent than in the relations of the burghal communities with one another. They advanced claims for the redress of their wrongs, or made threats of reprisals, after the fashion of independent city-states armed with active powers of coercion and aggression. One illustration will serve as typical of the rest. A letter was addressed by the mayor of London in 1352 to the town of Sandwich, stating that three letters had already been sent desiring redress for an injury done to a London citizen, but without avail. They were again admonished to make satisfaction since no further delay of justice could be tolerated, the complainant having already claimed 'withernam' of the men of Sandwich coming to London with their goods, "which they could not refuse according to the liberties and customs of the city"[1]. English towns in fact carried on their dealings with each other exactly in the same way as with foreign towns. Letters to towns abroad are identical in style and contents with those directed to towns in England. A letter sent to Dunkirk, requesting payment of a debt due to a citizen of London, is similar to a letter sent for a like purpose to the town of Colchester[2]. Commercial relations were not international but inter-municipal, and each town presented to its neighbours the same impenetrable front which modern nations nowadays exhibit towards one another. The growing practice of commercial treaties between towns was the natural outcome of a condition of society in which burghal development had outstripped national development, and in which the ascendancy of the towns dominated the movements of economic life. When disputes over tolls arose, treaties were a convenient method of settling controversy. In 1265 the citizens of Winchester and the burgesses of Southampton agreed to a

[1] Sharpe, *Cal. of Letters*, 24. At the end of the sixteenth century letters over toll were still being exchanged between municipalities: Jeake, *Charters of the Cinque Ports*, 57.

[2] Sharpe, *Cal. of Letters*, 2, 4, 14, 16, 58.

composition that neither should exact toll from the other[1]. In 1279 a similar arrangement was made between Nottingham and Derby[2], in 1304 between London and Winchester[3], in 1329 between Salisbury and Southampton[4], in 1452 between Nottingham and Coventry[5], and in 1549 between Cambridge and Lynn[6]. There was also direct intercourse between towns in England and on the continent; the citizens of Amiens, Corbeil and Nesle were admitted to special privileges in London and Norwich[7] as a result of commercial treaties, and London also entered into a commercial treaty with Bayonne (1442)[8]. This intercourse was carried on directly, and not through the medium of the central government.

In certain directions, however, it is possible to trace from an early date the spread of a uniform economic system and the gradual concentration of national activities in the state. When a town received a charter of enfranchisement it usually adopted the customs of some other town, London, Winchester, Oxford, Breteuil or Bristol, which served as a model for the rest. The charter of the merchant gild at Oxford gave it "all the customs, franchises and laws which belong to the citizens of London"[9], and towns frequently made application to the mother town for information respecting its customs and legal procedure[10]. This affiliation of boroughs did not invest the parent borough with any rights of political interference or control over the affairs of the daughter town. Their relations were analogous to those of a Greek city-state and its colonies, which cherished the sacred fire taken

[1] Gross, *Gild Merchant*, ii. 256.
[2] *Records of Nottingham*, i. 55.
[3] *Letter Book C*, 133.
[4] *Oak Book of Southampton*, ii. 18.
[5] *Records of Nottingham*, ii. 362.
[6] *Hist. MSS. Comm.* 11th Rep. App. iii. 246.
[7] *Infra*, p. 450.
[8] *Letter Book K*, 270-271. Cf. letters sent abroad to foreign towns complaining of deceits in the textile industries: *ibid. I*, 257.
[9] Riley, *Liber Custumarum*, i. 671; *Collectanea* (Oxford Hist. Soc.), iii. No. 45. Henry II. gave Redcliffe the customs and liberties of Bristol (*c.* 1164): Latimer, *Bristol Charters*, 7. Preston received "all the liberties and free customs which I have granted to my burgesses of Newcastle-under-Lyme": Abram, *Memorials of the Preston Guilds*, 3. On the affiliation of boroughs, see Gross, *Gild Merchant*, i. App. E.
[10] Application of Oxford to London: Sharpe, *Cal. of Letters*, 90, and next note. Application of Droslan to Hereford: *Journal British Archæol. Assoc.* xxvii. 460.

from the hearth of the mother state to remind them of their common origin, but none the less retained complete independence in the management of their domestic concerns. In England the sacred fire that passed from town to town was the knowledge of law and the ordered liberty that springs from law. The charter granted to Oxford, for example, laid down that "if there be any doubt or dispute of any judgment that they ought to make, they shall send their messengers to London, and what the Londoners shall decide, they shall approve"[1]. Again, Bedford when in difficulties was to apply to Oxford, and "what the citizens of Oxford shall adjudge, that they shall hold and do without doubt"[2]. The importance of affiliation lies in the fact that it facilitated the growth of a national economy by clustering the towns together in well-defined groups, each of which followed similar customs and were bound together in a community of economic life. It was thence a single step to assimilate municipal practices to a uniform standard and consolidate the different groups into one compact whole.

The mediaeval town thus formed a complete economic whole, in which the interests of the stranger and the general control of economic life were consciously subordinated to the well-being of a select number of burgesses or gildsmen. The gild system undoubtedly fostered a spirit of jealous exclusiveness. The aims of municipal policy were frankly and avowedly selfish, and they were inspired by an energetic determination to assert the supremacy of the townsmen over all who stood outside their own privileged circle. It was immaterial whether the stranger within their gates was an Englishman from a neighbouring town or a foreigner from beyond the sea. He was in either case subjected to disabilities, embodying principles which have long disappeared from modern life. On this account the merchant gild has been severely condemned for its narrow range of vision, for a policy which placed the municipality before the state, and the burgher before the Englishman. But it is

[1] *Charter Rolls*, i. 92. Two occasions are recorded of the mayor of Oxford consulting London: (i.) concerning the rights of a testator, (ii.) procedure *re* pleas of land: Sharpe, *Calendar of Wills*, i. p. vi.

[2] *Charter Rolls*, i. 26.

only fair to remark that the monopoly which the gild asserted so jealously and guarded so rigorously was won at a heavy sacrifice, and was only maintained by an unremitting care. To all appearance, moreover, they freely extended their privileges to those who were willing to bear the financial burdens by which their franchises were maintained, "supporting at all times all the due and customary burdens within the aforesaid town" [1]. If the struggle for freedom bred within the townsmen a spirit of monopoly and harshness of temperament, it was not perhaps without compensation in the eager, active existence in which citizenship carried with it real responsibilities and duties. Among the burgesses at any rate there seems to have been a genuine sense of solidarity, a co-operation of social and economic forces for the common welfare, which made the English borough of the Middle Ages a storehouse of political ideas and a valuable school for political training. It paved the way for the day when the municipality would be merged into the state and the burgesses into the nation. Whether the fruits which it achieved could not have been produced under a system affording more scope for independent enterprise and more latitude for individual initiative, is a question which hardly falls within the province of the historian to determine.

It is more important to decide how far the system of commercial monopoly must be condemned on economic grounds. The eminent historian of the gild merchant holds that the rigid protection of the older chartered boroughs sapped their commercial prosperity, and was among the potent factors that in the fifteenth and sixteenth centuries brought about a great revolution in English municipal history—the widespread decay of once powerful boroughs [2]. No one will lightly dissent from these views; yet it would scarcely be safe to attribute undue influence to any one factor, and every instance of the alleged decay of towns must be dealt with on its own merits. In the first place, the monopoly of the towns largely tended in practice to be more apparent than real, for the holding of markets and fairs,

[1] *Little Red Book of Bristol*, i. 102.

[2] Gross, *Gild Merchant*, i. 52.

often protracted over the greater part of the year[1], must have afforded ample opportunities for the restricted needs of mediaeval commerce; while the great mass of traders could claim freedom of traffic by virtue of charters or commercial treaties[2]. Again the trend of the cloth trade away from the old corporate towns to new industrial centres, while partly prompted by the desire to evade control and escape financial obligations, was ultimately due to the rapid expansion of the woollen manufactures[3]. Other factors have also to be taken into consideration: the heavy burden of taxation and the *firma burgi*, the oppressive character of craft ordinances, changes in the localization of the staple, the transformation of trade routes, and the succession of epidemics and fires[4]. Moreover, many towns were extremely slow in recovering from the Black Death, which dealt a severe blow at their prosperity, and from the Hundred Years' War, which diverted the energies of the nation into unprofitable channels and drained the country of its economic resources.

[1] *Suprā*, p. 208.
[2] *Supra*, pp. 252, 275.
[3] *Infra*, p. 439.
[4] Cf. Norwich, *infra*, p. 433.

CHAPTER VIII

CRAFT GILDS

THE fundamental and perennial interest of the mediaeval craft gilds lies in the fact that they represent a vital stage in economic evolution, and enable us to discern how industrial problems were handled and solved in the Middle Ages. These problems, it must be acknowledged, differ widely from our own, which are at once more complex and involve larger issues. But in the effort to provide a fair remuneration for the worker and to reconcile the conflicting claims of producer and consumer, were developed principles of industrial control and conceptions of wages and prices to which we may perhaps one day again return. The craft gild comprised three classes of members—the masters, the journeymen and the apprentices. We shall deal first with the institution of apprenticeship as the most typical and instructive feature of the gild system.

Significance of the craft gilds.

The object of apprenticeship is defined in an Elizabethan state document: "Until a man grow unto the age of twenty-three years" he has not "grown unto the full knowledge of the art that he professed". It was a system of technical training, by which the craftsman was initiated into the secrets of his craft and rendered qualified to carry on his calling. The terms of apprenticeship varied from place to place, but there was everywhere an underlying similarity of ideas and purpose. It was essentially a contractual relation involving mutual obligations on the part of master and apprentice alike. The master was required to provide bed and board and technical training,

Apprenticeship.

" and whatever is needful for an apprentice "[1]: sometimes also a small salary[2]: sometimes even his schooling[3] and a knowledge of languages[4]. In an indenture drawn up at Leicester in 1531 the apprentice was to receive eightpence a year, and in the eighth year sixpence a week; moreover, he was " to be kept as a prentice should be, that is to say, meat and drink, hose and shoes, linen, woollen and his craft to be taught him, and nothing hid from him thereof "[5]. If the master neglected to fulfil these duties the apprentice was at liberty to withdraw from his service. Among the Cappers of Coventry, whenever an apprentice complained that he had not " his sufficient finding according to the customs of this city", the wardens of the gild were to admonish the offender, and if necessary could place the apprentice with some other master. They were also " once in the year to go through the whole city to every man's house of the craft, and by their registers to call for every apprentice before them to know how the constitutions be kept ", that is, they were every year "to examine prentices "[6]. At Exeter in 1562 a master was charged with refusing to " instruct and set forth [his apprentice] in such sort as he is bound to do ", and the apprentice was therefore set free from his employment[7]. The master was expected to regulate the apparel of the apprentice[8], and was also responsible for his " good demeaning and bearing "[9]. At Dublin and

[1] *York Memorandum Book*, i. 54-55: indenture of apprenticeship among the Bowers (1371). For an early indenture (1291), see *Records of Norwich*, i. 245.

[2] *Records of Oxford*, 11: the apprentice was to receive 12d. for his salary and 20s. at the expiration of his term (1513).

[3] A boy of fourteen was apprenticed for twelve years to a haberdasher, and the master was to provide him with two years' schooling in grammar and writing (1462): L. F. Salzmann; *English Industries of the Middle Ages* (1913), 230.

[4] *Vict. County Hist. Somerset*, ii. 408: a weaver of Taunton undertook " instruction in the language of Brittany " as part of the agreement.

[5] *Records of Leicester*, iii. 29. [6] *Coventry Leet Book*, iii. 671, 673 (1520).

[7] W. Cotton, *An Elizabethan Guild of the City of Exeter* (1873), 157.

[8] At Newcastle the merchants passed an ordinance in 1554 regulating their apprentices' apparel: *Newcastle Merchant Adventurers*, i. 20. For the apparel worn by an apprentice (*temp.* Ed. IV.), see *Trans. Royal Hist. Soc.* N.S. xvi. 173.

[9] In the ordinances of the Bury weavers (1477) it is laid down that a master is responsible for those whom he employs: *Hist. MSS. Comm.* 14th Rep. App. viii. 135.

Waterford every citizen had to answer for his apprentice's wrong-doing by day and by night "as he would for his son if he were of age, that is to say, if he can count twelve pence, as is the law of citizens and burgesses"[1]. Besides the supervision of character and conduct, the master bore responsibility "for the good and sufficient workmanship" of the work wrought by his apprentices. To lend authority to his position he was allowed to chastise the refractory apprentice within due measure; in an indenture of 1448 an apprentice of Ipswich bound himself to learn the art of a barber, while his master agreed to give instruction and "suitable clothing, shoeing, board, bedding and chastisement"[2]. At Worcester any one could correct his servant or apprentice "according to the law"[3]. What exactly this meant we may learn from Exeter, where a master unlawfully chastised his servant "in bruising of his arm and broke his head". The wardens ordered that the master should pay the doctor's bill, the servant's board and heavy amends, as well as a fine to the gild "for his misbehaving against the craft"[4]. Again, the apprentice of a London barber complained against his master for not "well-using him in beating him"[5]. On the part of the apprentice, as his share of the covenant, were demanded obedience, self-control and fidelity to his master's service; he was expected to protect his master from loss, not to steal his master's goods "not by sixpence in the year"[6], and not to frequent inns or gaming-houses[7]. "He must not", says Sir Thomas Smith, "lie forth of his master's doors,

[1] Dublin: Gilbert, *Documents of Ireland*, 242. Waterford: *Borough Customs*, i. 222 (*c.* 1300). At Ipswich proof of age was determined by the ability to measure cloth and count money: Bacon, *Ipswich*, 70.

[2] *Hist. MSS. Comm.* 9th Rep. part i. App. 259. Similarly *Records of Leicester*, iii. 50 (1543).

[3] Smith, *English Gilds*, 390 (1467). In an indenture of 1396 the master was to instruct the apprentice *debito modo castigando, et non aliter*: *Archæol. Journal*, xxix. 184.

[4] Smith, *English Gilds*, 322 (1481).

[5] S. Young, *Annals of the Barber Surgeons of London*, 1890, p. 263 (1573). There are many entries of floggings and imprisonment: *ibid.* 260. For other complaints of undue chastisement, showing that the apprentice was not unprotected, see *Newcastle Merchant Adventurers*, i. 240-241.

[6] *Records of Leicester*, iii. 29.

[7] An indenture of 1396 forbids the apprentice to frequent inns (*tabernam*) or gaming-places (*talos, alea*, etc.): *Archæol. Journal*, xxix. 184. Cf. also *Guildhall Journals*, xxi. fo. 196; precept against attendance at plays.

he must not occupy any stock of his own, nor marry without his master's licence [1], and he must do all servile offices about the house and be obedient to all his master's commandments, and shall suffer such correction as his master shall think meet" [2]. This control of the apprentices was far from being an easy obligation, and the management of unruly youths frequently taxed the resources of the gild to the utmost. Riots were common, especially among London apprentices; and in 1400 after many had been killed in a disturbance the king wrote to the parents and masters to check assemblies and gatherings [3]. At Newcastle the elders of the gild recorded their disapproval that apprentices were become not only "haughty minded, high stomached and wanton conditioned" to others, "but also less obedient and serviable to their masters, not knowing their duty to their superiors"; subsequently the complaints were renewed as to "the abuses and enormities reigning in our apprentices at these days" [4]. It would be erroneous, however, to regard the institution of apprenticeship as simply a system of technical training, for above all it was a system of social training. It was intended to fashion not only good craftsmen, inspired with loyalty to their city, but good citizens willing to give active service on its behalf when summoned to the field or the council chamber. The bond between master and apprentice was of the closest description; the master stood *in loco parentis* to the apprentice, who lived in his house, sat at his board and associated with him in the workshop and the home on terms of the most personal intimacy. Apprenticeship became an integral element in the constitution of the craft gild, because in no other way was it possible to ensure the permanency of practice and the continuity of tradition, by which alone

[1] This is illustrated by an indenture at Norwich in 1405: if the apprentice married without his master's permission, his term was to be doubled: *Records of Norwich*, ii. 28. [2] *De Republica Anglorum* (ed. 1906), 137.

[3] *Chronicon Adae de Usk* (ed. Sir E. Maunde Thompson, 1904), 45.

[4] *Newcastle Merchant Adventurers*, i. 6 (1554), 7 (1574). Probably the complaint was merely the usual lament of the *laudator temporis acti*. About the same time complaints were raised in London against apprentices wearing daggers, guarded hoses, etc.: *Guildhall Journals*, xiv. fo. 14 *b*. The industrious and idle apprentices are familiar figures in literature, *e.g. Eastward Ho*.

the reputation of the gild for honourable dealing and sound workmanship could be carried on from generation to generation: or to raise up, as one gild expressed it, "honest and virtuous masters to succeed us in this worshipful fellowship for the maintenance of the feats of merchandise"[1].

Length of apprenticeship.

The length of apprenticeship varied: at first there was apparently no fixed period, and the ordinances of many gilds simply state "that the servant or apprentice" was "to occupy the craft" until the masters of the mistery testified that he was "able and well-instructed"[2]. But in London, at any rate, apprenticeship lasted from an early date for seven years, and the freeman was called upon to take oath that he would accept no apprentice for less than this period[3]. The custom of London gradually spread, until in 1563 it became the law of the land and was made compulsory throughout the country. Yet even before 1563 the period of seven years appears to have been generally recognized as the proper term in which the apprentice could acquire "sufficient cunning"[4]. Shorter or longer terms of apprenticeship are, however, common; among the Fullers of Northampton four years were held to be sufficient and among the Weavers six years, while the Lorimers of London and the Merchant Adventurers of Newcastle lengthened the period to ten years[5]. So far as the Merchants of Newcastle were concerned, the extension was

[1] *Newcastle Merchant Adventurers*, i. 21.

[2] *Little Red Book of Bristol*, ii. 104.

[3] *Letter Book D*, 195; Riley, *Memorials*, 227 *et passim*.

[4] (i.) York: *Memorandum Book*, i. 181. (ii.) Norwich: *Records*, i. 105. (iii.) Coventry: *Leet Book*, ii. 554. (iv.) Bristol: *Little Red Book*, ii. 163. (v.) Leicester: *Records*, iii. 29. (vi.) Southampton: *Oak Book*, i. 116. (vii.) Chester: Morris, 443. (viii.) Bury: *Hist. MSS. Comm.* 14th Rep. App. viii. 136. (ix.) Ipswich: *ibid.* 9th Rep. part i. App. 259. (x.) Worcester: Smith, *English Gilds*, 390. An apprenticeship of seven years' duration was also enforced by statute in the case of the Norwich shearmen of worsted (*Statutes*, ii. 577; 1495), and all weavers of broad woollen cloths (*ibid.* iv. part i. 142; 1552).

[5] (i.) Northampton: *Records*, i. 292 (1452), 299 (1462). (ii.) London Lorimers: *Liber Custumarum*, i. 78 (1260). (iii.) Newcastle: *Merchant Adventurers*, i. 10 (1555). Examples of other terms of apprenticeship are: (i.) 12 years (1462): Salzmann, *English Industries*, 230. (ii.) 9 years (1513): *Records of Oxford*, 11. (iii.) 8 years: *Records of Northampton*, ii. 277—this was in 1574, *after* the Statute of Apprentices. (iv.) 6 years: *Records of Norwich*, ii. 185—this was in 1576. (v.) 5 years: *Red Paper Book of Colchester*, 25 (*temp.* Hen. VIII.).

avowedly intended to limit their membership: "the number of this fellowship", they declared, "is so augmented and daily doth increase" to "the utter destruction of the company". In the case of the Girdlers of York we can trace the different stages in the lengthening of apprenticeship. In 1307 a term of four years only was exacted; more than a century later (1417) the period was extended to seven years [1]. In all probability the motive which prompted the change was the desire to secure a more thorough training and more efficient workmanship. Apart from the length of apprenticeship, regulations were also laid down as to the age at which apprentices might be employed. At Norwich the Worsted Weavers were not allowed to receive apprentices under the age of fourteen: they were said to "have taken apprentices to the same craft of tender and young age, the which were not able to work in the said occupation" [2]. A similar rule apparently prevailed among the Carpenters of London, though here the age at which apprentices were bound was commonly eighteen or nineteen [3]. In 1556 the authorities of London sought to deal with the problem in a somewhat different fashion; they allowed apprentices to be taken at any age, but insisted that they should not be less than twenty-four years old upon the expiry of their term. "Great poverty, penury and lack of living hath of late years . . . increased within the city of London . . . by reason of the over-hasty marriages and over-soon setting up of households of and by the youth and young folks of the city, which hath commonly used, and yet do, to marry themselves as soon as ever they come out of their apprenticehood, be they never so young and unskilful" [4]. The same principle was established at Bristol [5], though elsewhere boys of eleven were sometimes apprenticed [6]. If children became apprenticed without their parents' knowledge, their indentures could not be cancelled unless their masters were

[1] *York Memorandum Book*, i. 181. [2] *Records of Norwich*, ii. 376.
[3] E. B. Jupp and W. W. Pocock, *Carpenters' Company* (1887), 363. London apprentices under age were discharged by the court: *Guildhall Journals, passim.*
[4] J. Nicholl, *History of the Ironmongers' Company* (1866), 73.
[5] F. F. Fox, *The Guild of Weavers in Bristol* (1889), 47.
[6] *Proceedings of the Suffolk Institute of Archæology*, xiii. part iii. 280.

willing[1]. In certain cases a master was apparently permitted to pass on his apprentice to another master, though his power to "sell or alien" the term of an apprentice could only be exercised by the "advice and counsel" of the wardens[2].

Number of apprentices.

The number of apprentices which a master might employ developed in the fifteenth and sixteenth centuries into a subject of burning controversy. One or two towns, York in 1519[3] and Coventry in 1524[4], removed all restrictions and allowed every craftsman to take as many apprentices as he pleased. But the practice easily lent itself to abuse, and the Fishmongers of London ordered that none of their craft should receive more apprentices than they could support[5]. Unfortunately it is often very difficult to interpret the evidence, and determine what were the real issues involved in the struggle of the gilds to limit the number of apprentices; yet upon this interpretation turns our whole conception of the later history of the craft gilds. The attempt to restrict the number of apprentices might spring from one of three motives, according as (1) the interests of the apprentices, (2) of the journeymen, or (3) of the masters, were kept in view; and the problem is to distinguish between these different factors in the situation. In the first place, we cannot condemn the gilds for ordering a master to take only as many apprentices "as his power may extend". This was the rule among the Weavers of Hull[6], and the London gild of Founders advanced a similar pretext for refusing to allow more than two apprentices to be employed together at once: "Some person that hath had scarcely to find himself either work or meat or drink hath taken and useth to take three or four apprentices, and them may neither teach nor find [support], whereby good men's children of the country have been greatly deceived and this city scandalized"[7]. But very often journeymen

[1] *Trans. Royal Hist. Soc.* N.S. xvi. 172-173.
[2] *London and Middlesex Archæological Society*, iv. 31.
[3] Drake, *Eboracum*, 212.
[4] *Leet Book*, iii. 687.
[5] Riley, *Liber Albus*, i. 383.
[6] J. M. Lambert, *Two Thousand Years of Gild Life*, 1891, p. 207 (1564).
[7] *Letter Book K*, 375 (1456).

also wished to restrict the number of apprentices in order to increase their chances of employment, without which it was impossible to accumulate enough capital to set up as independent masters. In the settlement of a dispute in 1424 between the masters and journeymen of the Coventry Weavers, the former were allowed to have as many apprentices as they pleased without challenge; it would seem that the journeymen had tried to impose limitations, and that the arbitrators had decided in the masters' favour [1]. On the other hand, the Weavers of Worcester were required to employ "one journeyman at the least" for every loom within the city or its suburbs [2]. Again, among the Tailors of Exeter no master was allowed more than three servants and one apprentice "at the most" without licence of the company [3]. Here the proportion of journeymen to apprentices was fixed so as to protect the journeymen from the competition of cheap labour, and the principle was subsequently embodied in legislation. Thus the act of 1497 forbade worsted weavers to employ more than two apprentices at a time [4], and the Statute of Apprentices (1563) compelled every master in the cloth-making, tailoring and shoe-making industries who had three apprentices to employ a journeyman [5]. In the main, however, the decisive factor in the determination of gild policy was the interests not of the apprentices or journeymen, but of the masters. But the masters themselves were not united in their aims. At Coventry, as we have seen, they apparently desired to push their trade and draw freely upon an unlimited supply of labour. But more commonly they displayed a jealous reluctance to admit potential rivals into a share of the gild monopoly. The craft of Leathersellers in London (1482) made their members pay a fine for every one of their apprentices; and the reason comes out in their complaint that when apprentices had served their term, they refused to become servants to their masters "for reasonable wages as their masters did before them", but set up as masters on

[1] *Coventry Leet Book*, i. 92.

[2] Green, *Worcester*, ii. App. p. lxviii. (1497). For the object of this regulation, see *infra*, p. 416.

[3] Smith, *English Gilds*, 315.

[4] *Statutes*, ii. 636.

[5] *Ibid.* iv. part i. 420.

their own[1]. Apart from their jealousy of the stranger who sought admission into their privileged ranks, the craft gilds did all in their power to prevent the growth of industrial capitalism among their own members[2]. They discouraged initiative on the part of the more enterprising craftsmen, who were ambitious to pass their competitors in the race and become large employers of labour. The underlying principle of the gild system was order rather than progress, stability rather than expansion; and the rule which limited the number of apprentices a master might employ was the counterpart of the rule which limited competition among the gild-brethren in other directions[3]. But on the other hand, there was perhaps some truth in the defence that apprentices were becoming too numerous and overcrowding the gild to the detriment of all. In 1435 the craft of Girdlers alleged "that nowadays there is so great abundance of apprentices in the said craft, that many freemen of the craft" were without employment and reduced to "become water-bearers and labourers, and some of them [have] gone home again to their own country, and gone to cart and plough and left this city for ever"[4]. The Pewterers in 1522 re-echoed the complaint that after serving their term, apprentices were compelled to take up some other occupation for a livelihood[5]. Enough, perhaps, has been said to show the danger of facile generalizations as to the reasons why craft gilds tended to become exclusive. But whatever may have been the motive at one period or another, it is certain that a determined effort was made to keep down the number of trained and skilled artisans. Among the Shearmen of London[6] (1452), and the Worsted Weavers of Norwich[7] (1511), no one was allowed more than four apprentices. The Barber Surgeons of London[8] (1487) limited the number to three, the Cappers of Coventry[9]

[1] Black, *History of the Leathersellers' Company*, 39-40.
[2] *Infra*, p. 423. [3] *Infra*, p. 308. [4] *Letter Book K*, 200.
[5] C. Welch, *History of the Pewterers' Company*, i. 110.
[6] *Lond. and Midd. Archæol. Soc.* iv. 41.
[7] *Records of Norwich*, ii. 377. Worsted weavers in the country were only allowed two apprentices.
[8] Young, *Barber Surgeons*, 64. [9] *Coventry Leet Book*, iii. 670.

(1520) to two, and the Tailors of Exeter [1] to one, though the Tailors also allowed their members three journeymen. Sometimes the number of apprentices was proportioned to the status of the craftsman. Among the London Founders [2] (1489) any one who had held the office of upper warden was permitted four apprentices, a past warden three, a liveryman two, and a master 'out of the clothing' one or two at the most. The London Coopers [3] (1537) assigned three apprentices to a past warden or master, two to a liveryman, and one to a householder 'out of the clothing'. The Tailors of Bristol [4] adopted a somewhat different arrangement: a past master could take three apprentices, those who had twice served as wardens two, and those who had held no office one. Among the Paviors of London the apportionment of apprentices went on similar lines: those who had twice been wardens had three apprentices, those who had been wardens but once had two, and other members one [5]. Lastly, the Carpenters drew the dividing line simply between those admitted to the livery and those outside; to the former were allowed two apprentices, and to the latter one [6]. Similarly among the Pewterers, liverymen 'of the clothing' could take three apprentices, and those 'out of the clothing' two [7].

Restrictions on the choice of apprentices.

But the problems that were to agitate the men of a later age, and make every gild the scene of contention and strife, seemed far distant in the remoter centuries when industry was still confined within narrow bounds, and the craftsman was content with one or two apprentices at the most. Drawn from the same social status, united by a sense of common interests, masters and men in the early days of industrial development could toil side by side in willing co-operation, undivided by the antagonism of capital and labour. In so far as any difficulty disturbed the smooth

[1] Smith, *English Gilds*, 315.
[2] W. M. Williams, *Annals of the Founders' Company* (1867), 11. In 1456 no one had been allowed more than two apprentices: *Letter Book K*, 375.
[3] J. F. Firth, *Coopers' Company* (1848), 51.
[4] F. F. Fox, *Merchant Taylors of Bristol* (1880), 62.
[5] C. Welch, *Paviors' Company* (1909), 12.
[6] Jupp and Pocock, *Carpenters' Company*, 403.
[7] Welch, *Pewterers' Company*, i. 111.

working of the gild system, it arose rather from the lack than the superabundance of apprentices. Throughout the Middle Ages England remained primarily an agricultural country, a land of tillers, to whose needs the interests of trader and artisan alike were frankly subordinated. But in the fifteenth century industry was beginning to prove more attractive than husbandry; it offered a wider scope to men of initiative and enterprise, and opened up a field of opportunity where wealth and prestige lay within the grasp of all who could approve themselves worthy by their skill and resources. The cloth trade was progressing by leaps and bounds, and the prosperous burgher began to store up riches in his house and entertain kings at his table for his guests [1]. There was a movement from the country to the towns in the years that followed the Black Death, and the discontent of the peasants with the burdens of villeinage spurred on their ambition for better things. The cry went up that tillage was decaying from scarcity of agricultural labourers, and the government responded with the acts of 1388 and 1406. The first act enjoined that all who served in husbandry till the age of twelve should continue to do so, and not be apprenticed to any mistery [2]. More important still was the second act, by which no one might place his child to serve as apprentice to any craft "or other labour within any city or borough, except he have land or rent to the value of twenty shillings by the year at the least" [3]. Some writers have supposed that this statute was ineffectual [4], but this view is undoubtedly incorrect. In 1429 the citizens of London petitioned against it, and they were excluded from its operation [5]. Oxford made two futile attempts in 1450 and 1455 to obtain immunity from the act; they complained that their town was "desolate for the more part", since scholars had withdrawn from the University, "saying that they may not have artificers to serve them" [6].

[1] In 1363 a London vintner feasted four kings: Stow, *Survey of London*, i. 106. In 1460 William Canynges entertained Edward IV.: G. Pryce, *Memorials of the Canynges' Family* (1854), 114.

[2] *Statutes*, ii. 57. [3] *Ibid.* ii. 157.

[4] *E.g.* Rogers, *Agriculture and Prices*, iv. 117.

[5] *Rot. Parl.* iv. 354 *b*; *Letter Book K*, 105. [6] *Rot. Parl.* v. 205 *a*, 337 *b*.

Norwich was more successful in 1496 and was allowed to take apprentices freely, and in 1497 the worsted weavers of Norfolk, and in 1523 the towns of Lynn and Yarmouth were also expressly exempted [1]. Apparently the act did not apply in cases where sons or daughters bound themselves apprentices without consulting their parents [2]. Apart from legislative enactments, the gilds themselves sometimes restricted the choice of apprentices. London and other towns shut out bondsmen from the ranks of skilled artisans: one of the crafts of Bristol excluded aliens and "rebels of Ireland": and many gilds insisted that the apprentice should be "whole of limbs" and of good physique [3]. Occasionally even in the thirteenth century a heavy premium was exacted, and this served to narrow still further the circle from which apprentices could be drawn [4].

Enrolment of apprentices.

In the early days of the gild system the institution of apprenticeship was apparently left unregulated, but the borough codes of bye-laws rapidly expanded as its importance became more generally recognized. The municipal authorities began to see in it an instrument for enforcing more strictly their control over the gilds, and as the first step in this direction they ordered that apprentices should be enrolled in their presence within the first year, and sometimes within the first three months [5]. To some extent, no

[1] *Statutes*, ii. 577; *ibid.* ii. 636; *ibid.* iii. 211.

[2] See the case of Richard Claidich: *Letter Book K*, 87.

[3] (i.) London: *Letter Book D*, 195; *ibid. H*, 309; *Statutes*, ii. 248. (ii.) Bristol: *Little Red Book*, ii. 163. (iii.) Ipswich excluded villeins (as late as 1507) from the freedom of the city and presumably therefore from the gilds: Bacon, *Annals of Ipswich*, 179. Regulations as to free birth or the physical condition of apprentices are found among the following London crafts: (i.) Cutlers: *Letter Book I*, 250. (ii.) Founders: *ibid. K*, 375. (iii.) Shearmen: *Lond. and Midd. Archæol. Soc.* iv. 41. (iv.) Pewterers: Welch, *Pewterers' Company*, i. 109. (v.) Coopers: Firth, *Coopers' Company*, 22. (vi.) Carpenters: Jupp and Pocock, *Carpenters' Company*, 351. (vii.) Barbers: Young, *Barber Surgeons*, 62. Bowers of York: *York Memorandum Book*, i. 61.

[4] The exaction of 30s. from apprentices to the Lorimers' craft (1260) must have been prohibitive to many: Riley, *Liber Custumarum*, i. 78. Subsequently fees were raised expressly to preserve the monopoly of trade in the hands of a few: see *infra*, p. 366.

[5] Examples of the attempt to enforce the enrolment of indentures are valuable, because they show that the system of apprenticeship had come under municipal control. (i.) London: *Letter Book D*, 195; Welch, *Pewterers' Company*, i. 115. (ii.) Norwich: *Records*, i. 105; ii. 291, 376. (iii.) Bristol:

doubt, their chief concern was to collect the fees levied on new members, but the register also served police purposes[1]. Moreover, when apprenticeship became the avenue to citizenship, the practice of enrolment was a natural precaution against fraud. It enabled the authorities to ensure "that all covenants be surely kept", and at Ipswich the apprentice whose indenture had not been sealed could not claim the freedom of the town[2]. At the same time the system of enrolment militated against open evasion of the gild regulations fixing the length of service, the number of apprentices and the details of their character and status. In practice, however, it was found extremely difficult to compel enrolment, though the attempt was renewed from time to time and enforced by the infliction of penalties, sometimes on the masters, but more commonly on the apprentices[3].

Rapid spread of apprenticeship.

The system of apprenticeship can be traced as far back as 1260, and before the thirteenth century had come to a close it had become part and parcel of the economic life of the London craft gilds[4]. We can readily grasp the reasons that account for its rapid spread through every industrial centre in England, where the craft gilds brought together in a compact body all who followed a common calling. It

Fox, *Guild of Weavers in Bristol*, 41. (iv.) Leicester: *Records*, iii. 177. (v.) Southampton: Hearnshaw, *Leet Records*, 10, No. 36; *Oak Book*, i. 149. (vi.) Colchester: *Red Paper Book*, 25. (vii.) Worcester: Green, ii. App. lvi. (viii.) Exeter: Smith, *English Gilds*, 316. (ix.) Ipswich: Bacon, *Annals of Ipswich*, 195. (x.) Chester: Morris, 443; enrolment within six months. The more usual period of a year was reduced to three months at Norwich in 1512: *Records*, ii. 108. The view that the system at Coventry (*Leet Book*, ii. 553) was exceptional, and due to a sinister design on the part of the drapers to get the control of industry (M. D. Harris, *Old English Town*, 1898, p. 241), is thus disproved; the system of enrolment was a normal practice.

[1] This may be inferred from *Letter Book B*, 241: "Whereas a great number of misdoers . . . lie hid among the good men of the city" a register was to be made of masters, apprentices and servants to inquire into their "conduct and behaviour" (1297).

[2] Bacon, *Annals of Ipswich*, 195.

[3] The system was disregarded, for example, at Norwich (*Records*, ii. p. xlvii), Canterbury (*Hist. MSS. Comm.* 9th Rep. part i. App. 173) and Reading (*Records*, i. 452). For penalties on masters, see *Letter Book B*, 146. For penalties on apprentices, see *Letter Book D*, 66; Smith, *English Gilds*, 316.

[4] Riley, *Liber Custumarum*, i. 78: the London gild of Lorimers. The freeman's oath shows the establishment of the institution in London at an early date: *Letter Book D*, 195. It also existed in Norwich before 1293: Hudson, *Leet Jurisdiction in Norwich*, 42.

was a field of technical training, a school of specialized knowledge, in which the artisan learnt the mystery of his craft and was taught the ideals of good workmanship and sound quality, upon which the reputation of the gild depended. At the same time it protected the qualified workman from unskilled competitors, while later it developed in the hands of exclusive gilds into an instrument of monopoly. But although apprenticeship became a universal feature of industrial life in the later Middle Ages, it is erroneous to suppose that it was everywhere made obligatory upon those who wished to set up in the gild as journeymen or masters. This no doubt was the common practice, and occasionally we find instances where the system was definitely made compulsory either in gild ordinances or in parliamentary statutes [1]. None the less the journeymen did not invariably have to pass through a term of apprenticeship. The ordinances of the London gild of Pewterers (1348) admitted into their body any one who had served as apprentice, or was "otherwise true workman known and tried among them" [2]. Examples among the London crafts can easily be multiplied. The ordinances of the Cutlers (1380) speak of the journeyman "who has not been apprenticed in the trade": the Founders (1389) ordered the unskilled journeyman to "be ousted therefrom, if he will not become an apprentice": the Bladesmiths (1408) forbade any one to "teach his journeymen the secrets of his trade, as he would his apprentice" [3]. Even as late as the sixteenth century (1561), the Tailors of Bristol were willing to accept "for a reasonable fine any honest person being a good workman, *although he hath not been an apprentice to the same craft*" [4]. Similarly at York, among the ordinances of the Painters no mention is made of apprentices, and strangers could be employed if they proved competent [5].

After completing his term of training the apprentice was

[1] Examples of compulsory apprenticeship are: (i.) Weavers of Bury, 1477: *Hist. MSS. Comm.* 14th Rep. App. viii. 135. (ii.) Coopers of London, 1488: Firth, p. 21. (iii.) Norwich Shearmen of Worsted, 1496: *Statutes*, ii. 577.

[2] Welch, *Pewterers' Company*, i. 3.

[3] Riley, *Memorials*, 439, 514, 570.

[4] Fox, *Merchant Taylors of Bristol*, 43.

[5] *York Memorandum Book*, i. pp. xliv, 164 (early fifteenth century).

now free to become a journeyman or wage-earner, and seek employment in the capacity of a hired workman. We hear very little in England of the "wanderings" of emancipated journeymen analogous to those of continental apprentices, although it was usual for apprentices of the Merchant Adventurers of Newcastle [1] to fare abroad in search of wider experiences and a more cosmopolitan training. Still there is evidence to show that a journeyman did not always set up in the town in which his apprenticeship had been served, and must often have travelled about from one place to another [2]. As a rule, however, he was expected to remain with his master for a year after his period of probation had ended, although he was now paid wages [3]. In the first half of the sixteenth century a proposal was put forward in London to compel apprentices, after completing their term, to serve their masters as journeymen for three years before admittance to the freedom of the city: "to the intent that they may have something of their own" [4]. This was apparently the practice among the Carpenters and Paviors of London, for no one was allowed to take an apprentice until three years had elapsed after the end of his apprenticeship [5]. The Goldsmiths of Chester also established the rule that no apprentice should be accepted as a master, unless he had first served as a journeyman for three years [6]. If, as sometimes happened, the apprentice had contracted liabilities and was in debt to his master, he could not leave his service until he had requited his obligations. "No one", ran the ordinances of the London Hatters (1347), "shall receive the serving-man of another to work, so long as he is in debt to his master; but he is to remain

Journeymen.

[1] *Merchant Adventurers of Newcastle*, ii. p. xxiv.

[2] At Beverley (1496) journeymen were required to be examined as to their competence, unless they had served their apprenticeship in Beverley: *Hist. MSS. Comm. Beverley*, 95. The Tailors of Bristol admitted members who had served their apprenticeship *in any place*, and not in Bristol only, provided they adduced proof by showing their indentures or in other ways: Fox, *Merchant Taylors of Bristol*, 43, 47.

[3] Indentures often stipulate for a year's service as journeyman: *Records of Leicester*, iii. 29 (1531); Rogers, *Agriculture and Prices*, iv. 98 (1451).

[4] *Guildhall Journals*, xiv. fo. 14 *b*.

[5] Jupp and Pocock, *Carpenters*, 403; Welch, *Paviors' Company*, 12.

[6] Morris, *Chester*, 443.

in the service of his master until he shall have made satisfaction for the debt which he owes him "[1].

The 'master-piece'.

Every journeyman looked forward to the day when he would cease to be a wage-earner and would take his place among the masters of the gild as a fully qualified craftsman, sharing in the common life of the town, bearing its burdens and participating in its privileges. Sometimes he was required to furnish a "master-piece", though this was more common in the seventeenth century than in the fifteenth. Among the Pewterers of London the journeyman was examined as to his "honesty and behaviour", and he had then to produce a sample of his work before the wardens[2]. It was usual in any case to test the competence of the craftsman before he was set to work. The apprentices of the London Pouchmakers were examined whether they were "expert or cunning in the craft"[3]; while among the Founders every journeyman was to be "tried and proved by the masters as to whether he is able to work in such trade as a journeyman or not"[4]. Again, the Tailors of Bristol were required to approve themselves "lawful" workmen, "full perfect" in their craft and "of good conversation and living"[5]; and the Weavers of Bury refused to let any one set up looms in the town unless they had served their apprenticeship to the craft and had "sufficient cunning and understanding in the same, and so be examined and admitted by the wardens as able men"[6]. These regulations were intended to protect the skilled craftsman against the competition of untrained workmen. To this extent they were designed in the interests of the producer, but they were equally to the interests of the consumer. This was recognized in the ordinances of the London Coopers, who were forbidden to put any stranger to work until the wardens had brought him before the mayor and aldermen

[1] Riley, *Memorials*, 240. Similarly the Heaumers, *ibid.* 238.
[2] Welch, *Pewterers' Company*, i. 201 (1559). For the 'master-piece', cf. O. J. Dunlop, *English Apprenticeship and Child Labour* (1912), 214.
[3] Black, *Leathersellers' Company*, 123 (1501).
[4] Riley, *Memorials*, 514 (1389).
[5] Fox, *Merchant Taylors of Bristol*, 47.
[6] *Hist. MSS. Comm.* 14th Rep. App. viii. 135. Similarly, *York Memorandum Book*, i. 242.

to be examined "whether he be able workman to serve this city well and truly or not"[1]. Whether the journeyman who had not served an apprenticeship could set up as a master is uncertain, but probably he was allowed to do so. Among the Fullers of York no one was to set up as a master, unless the searchers had testified before the mayor that he was fit for his occupation; the qualification for mastership is here not apprenticeship, but general proof of competence[2]. Two or three years at least necessarily, and perhaps sometimes compulsorily[3], elapsed before the journeyman was in a position to claim entry into the inner circle of the gild, and the interval afforded a breathing-space in which he could accumulate sufficient capital to set up in his own workshop. But capital played, as a rule, a subordinate part in mediaeval industry, and his tools and technical skill were the resources upon which the master craftsman was content to rely to gain a livelihood. The market was limited, rapid fluctuations of supply and demand were practically unknown, and speaking generally there were few fields in which the skill of the entrepreneur could find an opening. The craftsman usually worked on materials supplied by his customer[4], and did not need an extensive stock to cover his boards. In the early days of industrial development no impassable gulf separated the master from his workmen, and the masters were themselves artisans drawn from the ranks of the labouring class. We need not idealize early industrial conditions to recognize that there was between the employer and his men an identity of purpose and a sympathy of outlook, which brought together on the same social and economic plane all three classes of the gild-brethren to combine their forces for the common good.

Functions of the craft-gild.

The primary purpose of the craft gild was to establish a complete system of industrial control over all who were associated together in the pursuit of a common calling. It enveloped the life of the mediaeval craftsman in a net-

[1] Firth, *Coopers' Company*, 14 (1440).
[2] *York Memorandum Book*, i. 71.
[3] *Supra*, p. 293
[4] Tailors usually worked on cloth furnished by the customer; *e.g.* Smith, *English Gilds*, 321: for other examples, *infra*, p. 298.

work of restrictions, which bound him on every side hand and foot. It did not suffer the minutest detail to escape its rigid scrutiny and observation. It embodied in its regulations a whole social system, into which the individual was completely absorbed by the force of public opinion and the pressure of moral and social conventions. It embraced within its scope not only the strictly technical, but also the religious, the artistic and the economic activities of mediaeval society. It was first and foremost undoubtedly an industrial organization, but the altar and the pageant, the care for the poor and the education of the young, were no less part of its functions than the regulation of wages and hours and all the numerous concerns of economic life. It is by the analysis of craft ordinances that we may perhaps reconstruct in part the more important aspects of mediaeval industrial life, and attempt some comparison with the conditions of our own day.

(i.) Control of industry.

The technical ordinances of the gild were intended to protect the consumer against defective wares and the producer against cheap labour. This is shown in the Bristol Book of Ordinances: "Diverse ordinances have been made on the working of woollen cloths to the intent that good and true cloth shall be made in the town, as well for the preservation of the good fame of the same as for the profit which they shall take on the sale of their cloth"[1]. Nothing is more remarkable in these regulations than the minute detail with which they set forth the duties and responsibilities of the gildsmen. They demonstrate clearly how intimately the welfare of industry and the ideals of sound craftsmanship were bound up with the fortunes of the gild system. The rules in force among the Weavers of Bristol will serve in illustration of the rest; they fixed the width of the drapery, and directed that "if the threads are deficient in the cloth or are too far apart, which the weavers called *tosed*, that cloth and the instrument on which it is worked ought to be burnt"; the same penalty was inflicted when the cloth was made of woollen thread called *thrums*, or if it were "worse in the middle than at the

[1] *Little Red Book*, ii. 40.

sides"[1]. The minuteness with which industrial life was regulated does not require us to suppose that a craftsman in the Middle Ages was necessarily more honest and trustworthy than his descendant. On the contrary, the explanation is rather that mediaeval methods of fraud were extremely primitive, and demanded constant and detailed scrutiny. Bakers stole dough almost under the very eyes of their customers[2]; ale-wives thickened their quart measures with pitch covered over with rosemary, "so as to look like a bush in the sight of the common people"[3]; cappers made caps with prohibited materials[4]; pepperers mixed old and new wares, and made the ends of a bale contain better commodities than the middle[5]; shoemakers put calf-skin among ox leather[6].

Penalties for bad workmanship.

It is sometimes assumed that the preambles of the gild enactments really cloaked a selfish and blind attachment on the part of the gild-brethren to their own narrow interests. But it is difficult to rise from a study of their ordinances without a feeling that, in the best days of the gild, the professions of good faith and regard for "the common profit" were not devoid of real meaning. They represented at least an ideal, by which in practice the conduct of the gildsmen, while often selfish, would tend to be influenced. Among the Pewterers of London penalties were inflicted for bad workmanship as follows: at the first default the offender was condemned to lose the defective ware, at the second he was also punished, and at the third he was expelled from the craft "for ever": he had sullied the reputation of the gild and damaged its good name in the

[1] *Little Red Book*, ii. 1, 5 (1346). The Paviors of London, to take another illustration (1479), were forbidden to make any pavement higher than it was before: Welch, *Paviors' Company*, 10.

[2] In 1327 a baker did skilfully and artfully cause a certain hole to be made upon a table of his pertaining to his bakehouse. And when his neighbours and others who were wont to bake bread at his oven came with their dough, he used to put the dough upon the table and over the hole to make loaves therefrom. Meanwhile, one of his household lay concealed beneath the hole and carefully opening it, piecemeal and bit by bit, he craftily extracted some of the dough, "to the great loss of all his neighbours . . . and of others who had come to bake, and to the scandal and disgrace of the whole city": Riley, *Memorials*, 163.

[3] *Ibid.* 319.

[4] *Ibid.* 90; *Letter Book D*, 271-272.

[5] Riley, *Memorials*, 120-121.

[6] *Records of Nottingham*, i. 319.

eyes of the public, upon whose favour the craftsmen were dependent for their market[1]. At Chester in 1429 a shoemaker incurred the heavy penalty of ten pounds for selling shoes of his own workmanship insufficiently made, "to the prejudice of the company of shoemakers"[2]. This insistence that a bad workman brought discredit upon his fellows is worth attention. It explains the anxiety of the gilds to exclude from their membership all who were likely to damage their good name. The Shearmen of London allowed no new member to be admitted, unless "he be known a good man and of good name and fame and of good conditions, and that he be perfect and able workman of the said craft"[3]. In the same way the Grocers' Company would accept no one "unless he be of good fame"[4], while among the Bowers of York a dishonest member who was guilty of larceny expiated his offence with expulsion from the gild[5]. Among the Tailors of Bristol, York, Exeter, Plymouth, and among the Fullers of Colchester, any artisan who by his incompetence ruined his customer's cloth was required to recompense the owner[6]. At Bristol, "if any tailor lose [spoil] by his evil working a cloth or garment to him delivered to be cut, and the possessor complain to the master and wardens", the latter shall examine into the matter and the customer's loss be made good: "so every tailor shall be better advised to cut well and sufficiently the cloth that is delivered unto him". Similarly among the Dyers of Bristol any damage occasioned by defective dyeing was to be recompensed[7]; and the London Skinners also allowed customers to bring complaints to "the rulers of the trade", and promised to punish the offender[8]. Even more striking was the ordinance at Plymouth, where the gild

[1] Welch, *Pewterers' Company*, i. 4.

[2] Morris, *Chester*, 437. The London Coopers fined their members for defective work: Firth, *Coopers' Company*, 41.

[3] *Lond. and Midd. Archæol. Soc.* iv. 40.

[4] J. A. Kingdon, *Records of the Grocers' Company* (1886), i. 10.

[5] *York Memorandum Book*, i. 62.

[6] (i.) Bristol: Fox, *Merchant Taylors*, 35, 50 (1401). (ii.) York: *Vict. County Hist. Yorkshire*, iii. 451. (iii.) Exeter: Smith, *English Gilds*, 321. (iv.) Plymouth: *Hist. MSS. Comm.* 9th Rep. part i. App. 274. (v.) Colchester: *Red Paper Book*, 25.

[7] *Little Red Book of Bristol*, ii. 83 (1407).

[8] Riley, *Memorials*, 329 (1365).

apparently shouldered direct responsibility for ill-wrought work. If "the craft admit any man to be of the said occupation and craft, and he happen to destroy or mar any manner of garment for lack of understanding and non-cunning in that behalf, that then he or they so hurt or grieved shall warn the masters" and they "shall pay and content for the garment . . . so destroyed". These regulations of the gild enforcing sound quality and a good standard of workmanship were not suffered to remain a dead letter, and steps were taken, as we shall see, to institute a rigorous search throughout the craft at all times and places. It was on this account that night-work was generally prohibited[1], sometimes with no less a penalty than that the offender should "abjure his trade for a year and a day"[2]. This may appear an arbitrary interference with the rights of the individual, but artificial light militated against sound work: "No man can work so neatly by night as by day"[3]. Moreover, the wardens could not carry on their search after sunset. The London Hatters in 1347 petitioned the magistrates to prohibit night-work, on the ground that it enabled workmen to evade the control of the craft authorities: "whereas some workmen in the said trade have made hats that are not befitting, in deceit of the common people, from which great scandal, shame and loss have often arisen to the good folks of the said trade, they pray that no workman in the said trade shall do any work by night touching the same, but only in clear daylight, that so the aforesaid wardens may openly inspect their work"[4]. The prohibition against night-work was sometimes relaxed. The Weavers of Leicester could weave by night and by day, though it was stipulated that no defect must be found in their work[5].

Night-work.

[1] London Weavers (1300): Riley, *Liber Custumarum*, i. 121; *Letter Book F*, 173 (1347). Leicester Weavers (1260): *Records*, i. 89.

[2] In the case of the third offence: *Little Red Book of Bristol*, ii. 3.

[3] Riley, *Memorials*, 226—Spurriers (1345). A similar reason is given among the Ordinances of the Pewterers: Welch, i. 4. This, rather than the statement in L. Brentano, *On the History and Development of Gilds* (1870), p. cxxx, that the rule was due to "regard for the well-being of the gild-brothers", is the correct explanation.

[4] Riley, *Memorials*, 239.

[5] *Records of Leicester*, i. 105 (1264). The stipulation shows the real purpose of the original prohibition against night-work.

Elsewhere night-work was permitted in times of exceptional stress [1]. Sunday labour also was prohibited; thus the bishop of Worcester in 1441 forbade shoemakers of Gloucester to ply their trade on Sundays [2], and barbers were not allowed to exercise their craft except for strangers [3]. In addition the artisan was bidden to do his work in full public view, not in upper rooms or cellars but in "halls and shops next the road in sight of the people" [4].

Regulation of wages.

Although wages and prices were often regulated by the municipality and subsequently by the state [5], the assessment of wages and the fixing of prices were also a common feature of gild activity [6]. The Bowers' craft of York fixed artificers' wages both for piece-work and by week. The 'taskman' who worked by the piece received sixteenpence for "chipping" a hundred bows, while journeymen who were not competent for 'taskwork' received twelvepence a week and their food during one half of the year, and eightpence a week and food the other half. Other gilds at York, the Skinners, the Cordwainers, the Shearmen and the Weavers, also regulated the rates of payment which hired workers were to receive [7]. At Bristol the Fullers [8], at Coventry the Cappers [9], fixed the wages of their workmen, and at Leicester the remuneration of weavers and women wool-wrappers was also laid down by the gild [10]. These examples are sufficient to establish the contention that the wages of the mediaeval workman were determined in many cases by the authority of the craft gild. If we now turn to the ordinances of two

[1] (i.) At Winchester, in the thirteenth century, burellers could work at night from St. Nicholas to Christmas: *Archæol. Journal*, ix. 77. (ii.) York Founders (*c.* 1398): *York Memorandum Book*, i. 93.

[2] Stevenson, *Gloucester Corporation Records*, 394.

[3] Young, *Barber Surgeons of London*, 49 (1413); *Little Red Book of Bristol*, ii. 70 (1395); *Leet Book of Coventry*, i. 226 (1445).

[4] *Little Red Book of Bristol*, ii. 3.

[5] For municipal regulations, see *infra*, p. 339. An example of the state fixing prices (cloth and hats) is *Statutes*, ii. 533.

[6] The statement in S. Kramer, *The English Craft Gilds and the Government* (1905), 73, 99-100, that wages and prices were not regulated by the crafts, does not appear tenable.

[7] *York Memorandum Book*, i. 199 (Bowers, 1420); 65 (Skinners); 107 (Shearmen, 1405); 193-194 (Cordwainers); 244 (Weavers, 1400). Observe the wording: "Ordained by the master craftsmen of the Bowers' craft . . ."

[8] *Little Red Book*, ii. 12, 76 (1346). [9] *Coventry Leet Book*, ii. 574.

[10] *Records of Leicester*, i. 105 (1264); 186 (1281).

London crafts, the Blacksmiths and the Shearmen, we may form some notion of the way in which the remuneration of the hired servant was fixed. The Blacksmiths (1434) ordered that if a stranger came to London to serve in their craft, he was to give service for two weeks, evidently to furnish indications of his capabilities, and then must enter into a covenant for a period of three years, during which he received a yearly salary of forty shillings[1]. The Shearmen's arrangements (1452) were more elastic. Whenever a master employed "any foreign man", that is, a stranger who was not a member of the gild, the wardens and the assistants were to "see the foreigner work and *conscientiously set his salary* betwixt his master and him, and there to be bound four years in covenant"[2]. Thus among the Shearmen wages were proportioned to the capacity of the wage-earner, while both among the Shearmen and the Blacksmiths we remark the long periods of engagement to which the hired worker was required to bind himself. It is reasonable to suppose that the gilds also regulated the prices of their commodities. Evidence of this is necessarily scanty, because the gilds would not openly claim the right to do so in their ordinances for fear of awakening the jealousy of the authorities. But the evidence of Leicester shows that the crafts made among themselves an assize or standard of prices[3]. Again at Norwich the wardens took oath to present any member who "takes excessively for his craft"[4], and the standard of a 'fair price' which was not 'excessive' would naturally be determined by the gild. These examples alone would not be conclusive, but in the ordinances of the London Shearmen (1452) we have unmistakable evidence that the craft gilds regulated prices by fixing what the master craftsman should take for his work: "for shearing of scarlet and all other engrained cloth every yard twopence . . . and for all manner cloths folded and tacked in Genoese manner twopence . . . and for folds and tacks of twelve streits in Venetian manner eightpence"[5]. We naturally hear most about the fixing of

Regulation of prices.

[1] *Lond. and Midd. Archæol. Soc.* iv. 33. [2] *Ibid.* iv. 41.
[3] *Records of Leicester*, i. 90 (1260). [4] *Records of Norwich*, ii. 317.
[5] *Lond. and Midd. Archæol. Soc.* iv. 42. Mediaeval 'wages' are not always easy to distinguish from mediaeval 'prices'. A master craftsman,

prices by the craft gilds when the privilege was abused; for example, it was made the ground of complaint in an act of 1504 that unreasonable ordinances were made as to the "prices of wares" [1]. As an illustration of the "unreasonable ordinances" against which this statute was directed, may be cited an ordinance of the London Founders which occasioned great friction among their members. "Forasmuch as divers persons used to make sale of divers wares appertaining to the said mistery or craft far better cheap than the charge thereof cost and stood them in for the making and stuff of the same, to the impoverishment of the same sellers and to the hurt and prejudice of all the whole fellowship. Wherefore it was commoned [discussed] among them in what wise and price they might sell their wares so that they might have a convenient living thereby, and it was thought amongst them that a chaffing, called a middle dish, could not well be sold under the price of fourteenpence, and a candlestick, called a small lamp, under the price of eightpence and a candlestick, called a great lamp, under twelvepence, if they should live thereby" [2]. Again at Norwich the Chandlers, in order to eliminate competition, agreed that none of them would sell a pound of candles cheaper than the rest; apparently their prices were extortionate, for they were amerced for their offence [3]. At another time the London Lime-burners conspired not to sell their wares below certain rates; and their ringleader was condemned on a charge of extortion, deprived of the freedom of the city and sent to prison [4]. These instances serve to show that the gilds were not allowed to use their power in a manner detrimental to the community. The pressure brought to bear by a gild upon its recalcitrant members is illustrated in two curious incidents which took place at Coventry. The Dyers' gild undertook to work only at certain rates; and when a number of dyers refused to be bound by these rates, the gild hired Welshmen

working on the consumer's material, is charging a 'price', but he also receives a 'wage'. But we can draw the distinction between wages as the payment made to journeymen or hired workers, and prices as the payment made to the master.

[1] *Statutes*, ii. 652.

[2] *Select Cases in the Star Chamber*, i. 267 (1507).

[3] Hudson, *Leet Jurisdiction in Norwich*, 52 (1300).

[4] Riley, *Memorials*, 174 (1329).

and Irishmen to waylay and kill them. This drastic treatment of 'blacklegs' represents the mediaeval form of picketing [1]. On another occasion the Barbers agreed among themselves to raise their prices, "making the cost of that art so much dearer to the damage of the whole people"; and when one of their number repudiated the agreement, his fellows threatened him with violence and summoned him before a spiritual court for breach of oath [2].

(ii.) *Religious functions.*

The religious side of the gild system figured more prominently in the case of some gilds than in that of others. Many craft gilds seem to have originated as religious fraternities whose members were drawn together by ties of common devotion, and the religious duty of the gild is often placed foremost among its functions. "In the first place they have ordained", enacted the White Tawyers of London, "that they will find a wax-candle to burn before Our Lady in the Church of All Hallows" [3]. The absence of direct references to religious obligations in gild ordinances does not necessarily prove that the gild served purely secular purposes; for where the ordinances were submitted to the civic authorities for their approval, they would be concerned mainly with industrial matters only. There are numerous indications that as a rule every gild was wont to maintain lights upon the altars of its patron saint [4]. Closely connected with the maintenance of altar-lights were provisions for plays and pageants, which the crafts exhibited annually as part of their contribution (*leitourgia*) to the social life of the community. In the history of the mediaeval stage the gilds occupy an important place, and at York a gild was expressly founded to keep up a religious play [5]. During the later Middle Ages the drama was undergoing a transformation, and while still remaining primarily a vehicle for religious edification was rapidly emancipating itself from ecclesiastical control. "Out of the hands of the clergy

[1] *Vict. County Hist. Warwickshire*, ii. 252.

[2] *Patent Rolls*, 1391–1396, p. 720; *Coventry Leet Book*, iv. p. xxxiv. For another example, see *infra*, p. 314.

[3] Riley, *Memorials*, 232 (1346).

[4] *E.g. Little Red Book of Bristol*, ii. 121 (Weavers); 145 (Cordwainers); 165 (Hoopers): early fifteenth century.

[5] Smith, *English Gilds*, 137.

in their naves and choirs, it had passed to those of the laity in their market-places and guild-halls"[1]. The Mystery Play attained its highest point of development with the institution of the great Cycles in which biblical incidents were portrayed in a succession of pageants. The four great Cycles still extant are the Coventry, Chester, Townley and York[2]. The Coventry Cycle[3] and the Chester Mysteries[4] became especially famous and attracted visitors in large numbers, while the text of the York Cycle[5] is preserved as it was actually played by the craft. At Norwich the crafts were divided into twelve groups, each of which was required to produce an annual pageant: the Mercers, Drapers and Haberdashers presented the Creation of the World, the Grocers and others Paradise, the Smiths the conflict of David and Goliath, while further sections of the Cycle were distributed among the remaining trades[6]. The procession of Corpus Christi was the most popular Cycle of all, and at Hereford the Glovers exhibited Adam and Eve, the Carpenters "Noye Ship", the Tailors "The Three Kings of Colen", and the Bakers "Knyghtes in Harnes"[7]. More appropriate still were the parts assigned to the gilds of York, where the Armourers represented Adam and Eve driven from Paradise, the Shipwrights the Building of Noah's Ark, and the Fishers and Mariners the Flood[8]. There was no theatre, and the pageants were exhibited in different parts of the city on movable stages which were drawn by horses from one quarter to another; the object in repeating the play being to enable as many as possible to be spectators. The authorities devoted the most careful attention to the minutest details of the pageant, insisting at York that the

[1] E. K. Chambers, *The Mediaeval Stage* (1903), ii. 69, 147. The apt reference to the λειτουργία is Mr. Chambers's.

[2] A. W. Pollard, *English Miracle Plays* (1890), p. xxix.

[3] Harris, *Life in an Old English Town*, 341.

[4] Morris, *Chester*, 303 *seq.*

[5] L. Toulmin Smith, *York Mystery Plays* (1885), p. xliii.

[6] *Records of Norwich*, ii. 230, No. cccc.

[7] *Hist. MSS. Comm.* 13th Rep. App. iv. 288.

[8] R. Davies, *Municipal Records of the City of York* (1843), 232 *seq.*; Drake, *Eboracum*, App. xxx.; L. Toulmin Smith, *York Mystery Plays*, 29, 40, 45. For the Corpus Christi pageant at Ipswich, see J. Wodderspoon, *Memorials of Ipswich* (1850), 155 *seq.*

crafts should provide "good players well arrayed and openly speaking"[1], and at Coventry that all "who play in the Corpus Christi pageant shall play well and sufficiently so that no impediment may arise in any play"[2]. A striking feature of these pageants was the love of music, which was a marked characteristic of the English people in the Middle Ages, and in the accounts of the Bakers at Bristol the payments to minstrels constitute an important item[3]. This intimate association of the craft gilds with the popular drama that was springing up in England serves to illustrate the communal aspect of the gild system, and reveals how closely interwoven were the social aspects of the gild with its economic and industrial activities. Bound together by their common calling in the pursuit of common aims, the mediaeval craftsmen developed an ideal of co-operation and joint effort which gained in intensity what it may seem to have lacked in range of vision.

(iii.) *Friendly societies.*

Among the agencies by which distress in the Middle Ages was relieved, the craft gilds occupied an important place, and as friendly societies they contributed to the support of their poorer members. The Carpenters of London (1333) instituted a provision that "if any brother or sister fall into poverty by God's hand or in sickness . . . so that he may not keep himself, then shall he have of the brotherhood each week fourteenpence during this poverty, after he hath lain sick a fortnight". They added: "and that he shall be so timely visited and holpen that he shall not for default of help be brought to nought, nor be undone of his estate ere he be holpen". During his poverty the unfortunate brother was also to receive the livery clothing at the common cost, in order that he might not be put to shame in the presence of the gild assembly[4]. The Merchant Taylors of Bristol allowed twelvepence every week from their "common goods"[5], and the Grocers' Company furnished

[1] Davies, *op. cit.* 237.
[2] *Coventry Leet Book*, i. 195.
[3] *Trans. Bristol and Glouc. Archæol. Soc.* iii. 95.
[4] *The 'Boke' of the Ordinances of the Brotherhood of Carpenters of London*, ed. C. Welch (1912), 13. But in 1487 poor members were to have weekly "a reward of the common box of the craft *after the discretion of the master and wardens*": Jupp and Pocock, *Carpenters' Company*, 348.
[5] Fox, *Merchant Taylors of Bristol*, 27.

assistance to any member who became bankrupt[1]. The White Tawyers of London not only gave sevenpence a week to a poverty-stricken member in old age or sickness, but also enacted that "after his decease, if he have a wife, a woman of good repute, she shall have weekly for her support sevenpence . . . so long as she shall behave herself well and keep single"[2]. The Barber Surgeons of London appear to have restricted their charity to older members: "if any brother of this fraternity, *who has been of this fraternity for seven years*, by chance fall into trouble or into poverty, and if he have nothing of his own by which he may be able to live, and if it be not through his own folly, that then he shall have each week from their common box tenpence-halfpenny for his sustenance"[3]. The Tanners of Gloucester (1543) apportioned their relief according to the status of the "decayed or poverty-stricken" member. A past master who was in need received sevenpence a week; those who had not attained to the gild dignities or borne the burden of office received fourpence a week if they fell into poverty[4]. The institution of almshouses marked an important step towards the establishment of an organized system of poor relief, and in this direction also the gilds anticipated state regulation. The Goldsmiths[5] (1341) and the Company of Merchant Taylors (1406) built almshouses near their halls "for the brethren of the livery or clothing falling into poverty"[6]. The gildsmen were expected to leave legacies to help any brother, who fell into poverty after he "hath done his duty well and truly to the fraternity"[7]. The Weavers of Gloucester received a bequest of forty pounds to be distributed annually among the poor, who were to return the loan at the end of the year[8]. Throughout the gild ordinances runs the conviction that those who

[1] Kingdon, *Grocers' Company*, i. 12.
[2] Riley, *Memorials*, 232 (1346).
[3] Young, *Barber Surgeons*, 33 (1388).
[4] *Trans. Bristol and Glouc. Archæol. Soc.* xiii. 265.
[5] Rymer, ii. part ii. 1157.
[6] C. M. Clode, *Early History of the Merchant Taylors* (1888), i. 3.
[7] Smith, *English Gilds*, 317; Kingdon, *Grocers' Company*, i. 12, 20.
[8] Stevenson, *Gloucester Corporation Records*, 436. Another example of alms for poor members is furnished by the London Shearmen (*Lond. and Midd. Archæol. Soc.* iv. 40), with the stipulation as to "good rule".

had served their fellow-men and had been "of good rule" should be cared for in their hour of need. Side by side with provisions for the sick and the poor went a due regard for the interests of the young. Many free grammar schools were founded and maintained by the gilds, which formed one of the main sources of education in the Middle Ages [1]; and one gild, that of Corpus Christi, Cambridge [2], perpetuated its memory by founding the famous College that still bears its name. In this way the gilds contributed to the spread of learning, and the voluntary efforts of artisans helped to keep burning the lamp of knowledge.

(iv.) *Arbitration.*

Another purpose of the craft gild was to determine all disputes between its members, and no craftsman was allowed to take legal action against a fellow-gildsman "without leave of the master and the wardens" [3]. The complainant was bidden first to "bring his grief" to the officers of the gild, who would endeavour "to set the parties at peace". A detailed rule was laid down among the London Shearmen (1452): "that no man of the said craft shall take action by the law upon another where the matter may be ended by treaty or compromise, unto the time that he hath asked the wardens' leave . . . and that the same wardens shall truly examine both parties, and that each of them shall choose a man or two within the said craft and they for to set them at accord if they can". If their efforts failed, the parties could then "go to the common law" [4]. The motive of this prohibition was to avoid as much as possible contact with rival courts of jurisdiction, and to maintain unimpaired the authority and prestige of the wardens; at the same time it helped to strengthen the feeling of solidarity among those whose social and economic interests were so intimately interwoven. In 1504, however,

[1] A. F. Leach, *English Schools at the Reformation* (1896), 34. The Drapers of Shrewsbury maintained a school in 1492: Hibbert, *Influence and Development of English Gilds*, 33.

[2] Cooper, *Annals of Cambridge*, i. 103; *Cambridge Gild Records*, ed. M. Bateson (1903), p. xxiii.

[3] Young, *Barber Surgeons of London*, 33 (1388); Welch, *Pewterers' Company*, i. 32 (1466); Jupp and Pocock, *Carpenters' Company*, 384; Kingdon, *Grocers' Company*, i. 20.

[4] *Lond. and Midd. Archæol. Soc.* iv. 40.

a statute of parliament allowed a gildsman to sue his fellow-member at law without leave of the fellowship [1]. This act excited great resentment among the gilds, and is represented by the clerk of the Merchant Taylors as the work of the city recorder. According to his account, the rule against litigation had served to foster "good obedience" in the crafts "and perfect love and charity . . . between brother and brother, . . . by reason whereof the citizens . . . did richly increase and grew into wealth and prosperity". But this idyllic condition was "to the prejudice" of the lawyers, and the recorder "by his great labour, subtle wit and crafty means" originated the act in the interests of the legal profession [2]. However this may be, the act appears to have remained inoperative. The old rule was not abrogated, and is found among the ordinances of the Barber Surgeons in London (1530) [3], and of the Merchant Venturers in Exeter (1560) [4], while in 1563 a merchant of Newcastle forfeited a sum of six and eightpence as penalty for suing a fellow-member in a court of law [5].

Relations between fellow-members.

An essential feature of the gild system was the principle that none should seek an unfair advantage over his fellows. It was strictly forbidden to entice a servant away from the service of his master [6] or a customer from a dealer [7]. Paradoxical though it may seem, the democratic spirit is always strongest in an oligarchical and privileged body. The craft gilds were oligarchical in the sense that they enjoyed a monopoly of industry, and placed "strangers" and untrained workmen under heavy disabilities. But within their own ranks they sought to establish as nearly as possible a condition of absolute equality. The forces which we have already seen at work in the village community and the merchant gild were also in operation among the crafts, and

[1] *Statutes*, ii. 653. [2] Clode, *Early History of the Merchant Taylors*, i. 39.
[3] Young, *Barber Surgeons*, 423.
[4] Cotton, *An Elizabethan Guild of Exeter*, 18.
[5] *Newcastle Merchant Adventurers*, ii. 172.
[6] Riley, *Liber Custumarum*, i. 78 (Lorimers, 1260); Riley, *Memorials*, 258 (Furbishers, 1350), 514 (Founders, 1389); Young, *Barber Surgeons*, 33 (1388); *Hist. MSS. Comm.* 14th Rep. App. viii. 136 (Bury Weavers, 1477).
[7] *York Memorandum Book*, i. 114 (Dyers: *c.* 1390); Smith, *English Gilds*, 317 (Exeter Tailors).

the gild ordinances often approach to something that, while not actually communism, seems akin at any rate to the spirit of communism. Thus among the London Shearmen, if one master had three journeymen and another had none, "the wardens shall go to him that hath the said journeymen and shall take of them such as the goodman of the house may best forbear, and deliver him to him that hath none and hath need to have"[1]. The same spirit of joint effort and co-operative action is seen in an ordinance of the White Tawyers of London (1346): "And if any one of the trade shall have work in his house that he cannot complete, or if for want of assistance such work shall be in danger of being lost, those of the said trade shall aid him that so the said work be not lost"[2]. Again, among the Carpenters of London a craftsman was expected to find whatever work he could for a fellow-member that was unemployed. "If any brother go idle for default of work and another brother have work whereon he may work his brother, and that work be such that his brother can work it, then shall he work his brother before any other and give him as another man would take of him for the same work"[3]. These ordinances are valuable for the light they throw upon the working of the gild system. But their interest lies deeper; they give us an insight into the working of the mediaeval mind and afford a wholesome contrast to certain aspects of latter-day individualism. Other measures were also taken to secure employment for those without work. Some faint approach to the idea of a "labour exchange" can be discerned in the ordinances which required unemployed workmen to assemble at fixed hours and places, and there offer themselves for work. In London (1370) Flemish weavers repaired to the churchyard of St. Lawrence Pountenay, and those of Brabant to the churchyard of St. Mary Somerset[4]. At Coventry (1553) carpenters, masons, tilers, daubers, and all kinds of labourers who lacked employment were bidden to assemble at 5 A.M. in summer "with their tools in their

Unemployment.

[1] *Lond. and Midd. Archæol. Soc.* iv. 43 (1452).
[2] Riley, *Memorials*, 232. Similarly, the Masons: *ibid.* 281 (1356).
[3] Welch, *The 'Boke' of Ordinances of the Carpenters*, 13.
[4] Riley, *Memorials*, 346.

hands at the Broad-Gate", where employers might be able to find them[1]. At Norwich a similar injunction was made in 1573: the unemployed were ordered to gather every morning between 5 and 6 A.M. at the market-cross in case a citizen wished to hire workmen[2]. At Worcester (1497) labourers who wished to be given work were instructed "that they with their tools in their hands daily stand at the Grass-cross on the work days within the said city, and be there ready to all such persons that will hire them"[3].

Organization of the craft gild: (i.) membership.

Membership of the craft gilds was compulsory on all engaged in a particular industry. At a later period the gild tended to become exclusive and sought to place limits to its membership, but in earlier times the position was exactly the reverse. The problem of the craftsmen was then, not how to keep the monopoly of trade in their own hands, but how to avoid a monopoly of burdens; and they were anxious to compel artisans outside their ranks to join the gild and share its taxes. In 1348 the craft of Weavers in Lincoln complained that some weavers refused to contribute towards the farm of the gild, and the king ordered that every weaver should pay a proportional share[4]. Again, the Tailors of Beverley laid down the rule that drapers who encroached upon their mistery should be liable to their assessments[5]. On the other hand, at Norwich no one was to be compelled to join the gild, unless "he be in substance and value of goods meet for the same"[6]. The control of the craft gild lay in the hands of the assembly and the wardens, who were generally two or four[7] in number. They were sometimes nominated by the mayor[8], but more commonly were elected in the assembly, and held office for the year. At Norwich

(ii.) Wardens.

[1] *Coventry Leet Book*, iii. 807. [2] *Records of Norwich*, ii. 144.

[3] Green, *Worcester*, App. p. lii. Similarly at Paris the unemployed assembled in certain open spaces: *Economic Journal*, v. 228.

[4] *Patent Rolls*, 1348–1350, p. 120. For the conflict between native and foreign weavers over this point, see *infra*, p. 410.

[5] *Beverley Town Documents*, 75 (1492).

[6] *Records of Norwich*, ii. 113.

[7] At Bury four wardens were appointed: *Hist. MSS. Comm.* 14th Rep. App. viii. 133.

[8] The wardens of the Fullers of Reading were chosen by the mayor: *Reading Records*, i. 216. At Canterbury (1490) the mayor elected one warden, the craft the other: *Hist. MSS. Comm.* 9th Rep. part i. App. 173.

they were appointed in an oligarchic fashion, the retiring wardens appointing four "sufficient, discreet and indifferent persons" who co-opted eight others: "and those twelve persons so named shall go together in secret place by themselves" to choose the new wardens[1]. The qualifications for office varied from place to place: the gilds of Norwich expressly excluded the civic authorities[2], at Bury St. Edmunds the rulers of the Weavers' craft were to be men of substance "having freehold within the town"[3], and at Canterbury a curious proviso laid down that "any such masters so elected shall be none of the same crafts or misteries whereof they shall be elected"[4]. The wardens were bound by oath to fulfil the obligations incumbent upon their office: "Ye shall swear that with all your might and power ye shall keep peace and tranquillity within your craft, and ye shall make good and true search in your craft during this year next ensuing". They were forbidden to inflict excessive punishment upon delinquents or to extort money from them for their own gain, but they were to carry out their duties "sparing no one for favour and aggrieving no one for hate"[5]. Fines levied by the authorities of the gild were ordered to be "to the pleasure of God, after the ability of the people" to pay them, in order, said the rulers of Coventry, that "the city be increased to more wealthiness than it is now"[6]. Sometimes as an additional precaution they were only allowed to inflict fines "by the assent and oversight of the mayor"[7], and at Norwich if the fines were "excessively and not indifferently made" the injured party could complain to the mayor and obtain redress[8]. Where the gild was governed by a master as well as by wardens, an aggrieved

[1] *Records of Norwich*, ii. 279 (1449). [2] *Ibid.*

[3] *Hist. MSS. Comm.* 14th Rep. App. viii. 133.

[4] *Ibid.* 9th Rep. part i. App. 173.

[5] For the oaths taken by wardens: *Records of Norwich*, ii. 315; *Records of Northampton*, i. 280, 394-397 (to be actuated neither by "love, favour, meed nor promise", nor by "hate, malice or evil will to any person"); Riley, *Liber Albus*, i. 527; Black, *Leathersellers*, App. N, 129-130. Among the Glovers of Hull the searchers were forbidden to make extortion: Lambert, *Two Thousand Years of Gild Life*, 216.

[6] *Coventry Leet Book*, iii. 655 (1518).

[7] *Records of Northampton*, i. 291 (1452).

[8] *Records of Norwich*, ii. 284 (1449).

brother could appeal to the former "to correct the wardens"[1]. The primary function of the wardens was to supervise the work turned out by members of the craft, and to ensure a high standard of quality and workmanship. Hence they were expected to institute rigorous search throughout the workshops[2]; and searchers who acted fraudulently were fined[3]. At Bristol where the gilds fully recognized the importance of the machinery for ensuring wares of sound quality, the wardens of the Fullers were to search every house of the craft twice a week and the master of the Pewterers once a week[4]; while at Norwich search was made every three months or more often if necessary[5]. As industry expanded the system of house-to-house search began to break down, and at Coventry in 1518 a place was provided where cloth was to be brought two days a week for inspection by the searchers[6]. Defaults in workmanship were presented to the mayor and punished, sometimes by the pillory, sometimes by expulsion from the gild, but most commonly by fines of which half, and sometimes two-thirds, went to the city and the remainder to the gild[7]. A craftsman who hindered the searchers in the exercise of their duties laid himself open to severe penalties. At Norwich a tailor was accused by the wardens that he would not allow search to be made in his shop; he was fined sixteenpence and ordered "to give to the occupation a pound candle of wax"[8]. A bad workman was expelled from the craft; any servant found "false of his hands", ran an ordinance of the London Blacksmiths, the first time shall be corrected and fined, but the second time "put out of the craft for ever"[9].

Search throughout the workshops.

[1] *Lond. and Midd. Archæol. Soc.* iv. 34.

[2] *E.g.* at Norwich in 1415 (*Records*, i. 105) the wardens were to take annual oath before the mayor "to make good and true search in the craft of all defaults".

[3] *York Memorandum Book*, i. 68.

[4] *Little Red Book of Bristol*, ii. 77 (Fullers, 1406); 185 (Pewterers, 1457).

[5] *Records of Norwich*, ii. 282 (1449).

[6] *Coventry Leet Book*, iii. 657.

[7] (i.) For presentation of bad work to the mayor, see *infra*, pp. 329, 336. (ii.) For the pillory: *Records of Leicester*, ii. 195. (iii.) For the equal division of fines: Smith, *English Gilds*, 332; Fox, *Weavers of Bristol*, 40, etc. The Tapestry-makers of York gave the city two-thirds of their fines: *York Memorandum Book*, i. 85. At Oxford the Cordwainers and Corvesors apparently paid all their fines to the city: *Archæol. Journal*, vi. 154.

[8] *Records of Norwich*, ii. 160 (1524).

[9] *Lond. and Midd. Archæol. Soc.* iv. 33.

The assembly of the craft gild held meetings at different times of the year. At Norwich it met at least four times and oftener if necessary[1]. It generally enjoyed legislative functions of a subordinate character, and enacted ordinances regulating the administrative details of the craft. In some gilds a common council was appointed with power to judge defaults and make ordinances for the craft "as often as is needful to be done", and these ordinances were then published at subsequent meetings of the gild. The gilds of Norwich (1449), for example, were ruled by a common council composed of the wardens and twelve members of the craft, by whom the new wardens were appointed. At Coventry the keepers of the Smiths (1540) were chosen by "twelve of the eldest and discreetest of the fellowship", and the government of the Cappers (1549) would seem to have been vested in the master and "twelve of the most ancient persons of the craft". Among the Tailors of Bristol (1560) the "seniors that have been masters of the craft" acted as an advisory body, and at Shrewsbury (1478) the wardens were also assisted by a council[2]. At Bristol the ordinances of the Fullers (1346) were made "by the twelve most notable of the fullers", and approved "by the commons of the same mistery". The rules of the gild were binding on its members, and some gilds possessed a court in which to enforce their regulations[3]. We rarely meet with cases of friction between a craftsman and his gild. At York, where a shearman rebelled against the searchers, the affair was brought before the mayor and the authority of the gild was vindicated[4]. The Tailors of Exeter placed in the stocks members who neglected their duties[5]; and the London Carpenters inflicted fines or even imprisonment for disobedience to its regulations and for disorderly conduct[6]. But the crafts must often have found it difficult to coerce recalcitrant members, and their weakness served to increase their dependence upon the

(iii.) *Assembly.*

(iv.) *Council.*

(v.) *Control of members.*

[1] *Records of Norwich*, ii. 284 (1449).

[2] (i.) Norwich: *ibid.* ii. 280, 284. (ii.) Coventry: *Leet Book*, iii. 743, 792. (iii.) Bristol: Fox, *Merchant Taylors*, 43. (iv.) Shrewsbury: Hibbert, *Gilds*, 41. (v.) Bristol (Fullers): *Little Red Book*, ii. 10.

[3] *Infra*, p. 339.

[4] *York Memorandum Book*, i. 108 (1405).

[5] Smith, *English Gilds*, 323.

[6] Jupp and Pocock, *Carpenters' Company*, 138.

municipal body. The Weavers of Beverley, for example, ordered that if a master owed wages to a journeyman and the alderman of the craft could not make him pay, complaint was to be made to the keepers of the town who could enforce payment by distress[1]. It was a common stipulation, therefore, that any one admitted to the gild should take oath to keep the ordinances of the craft, and disobedience would thus expose the offender to penalties in spiritual courts. Among the Pewterers of London the oath ran: "Ye shall keep to your power well and truly all the good rules of pewterers' craft"[2]. The London Shearmen even required a new member to take an oath in the presence of a notary, "to the intent that if he break his oath he shall more be punished by the law of our Mother, Holy Church"[3]. On this account also, ordinances were sometimes enrolled in the registry of ecclesiastical courts in order that the authority of the gild might be backed "by the law spiritual and temporal"[4]. The practice of exacting oaths easily lent itself to abuse, since it tended to become an instrument for compelling gildsmen to comply with regulations which were oppressive. In 1344 a purser complained before the Husting that his fellow-craftsmen had bound him by oath not to sell his wares below a certain price, and when he broke his oath, summoned him before a spiritual court as a perjurer[5]. In 1457 the court leet of Coventry alleged that the crafts abused their powers by enforcing the submission of their members to unjust ordinances. "Great discord daily falleth in the city amongst the people of divers crafts because that divers masters of crafts sue in spiritual courts divers people of their craft, affirming that they have broken their oaths made in breaking divers their rules and ordinances, which rules oft-times be unreasonable and the punishment of the said masters over excess; which if it

Exaction of oaths.

[1] *Beverley Town Documents*, p. li (1406). Similarly at Coventry (*Leet Book*, iii. 654) offenders refusing to pay fines were brought before the mayor.

[2] (i.) Pewterers: Welch, i. 5. (ii.) Glovers: *Lond. and Midd. Archæol. Soc.* iv. 30. (iii.) Carpenters: Jupp and Pocock, 352. (iv.) York Saddlers: *York Memorandum Book*, i. 90. (v.) Leicester: *Records*, ii. 32. (vi.) Bristol: Fox, *Merchant Taylors*, 48.

[3] *Lond. and Midd. Archæol. Soc.* iv. 42.

[4] *Ibid.* 43.

[5] G. Unwin, *The Gilds and Companies of London* (1908), 92.

continued by likelihood would cause much people to void out of this city"[1]. The practice was accordingly forbidden, but in spite of the prohibition we find the Dyers in 1475 making rules about dyeing and enforcing them by oath[2].

Relations between allied crafts.

The relations between the different craft gilds in the town community were not always harmonious. It was a difficult task to draw a sharp line between allied occupations, and the crafts jealously resented any attempts at what they regarded as usurpation. The arrangements made to prevent encroachment on the part of one mistery or another upon their several industrial spheres were extremely detailed. The Cordwainers and Cobblers of London, for example, agreed (1395) that no person who meddled with old shoes should sell new shoes[3]. The principle, one man one trade, was well understood in the Middle Ages, though not always realized in practice. At Oxford it was ordered that every man should "keep and occupy his own proper craft or occupation wherein he hath been brought up, so that by their so doing *every one of them may live by the other*"[4]. We have here an exact expression of the mediaeval view of trade; the individual is consciously subordinated to the interests of the community, and the avowed purpose of all commercial dealing is to enable each man to obtain a reasonable livelihood and a "sufficient" profit. An attempt was made to carry this principle into law. The famous statute of 1363 bade "artificers, handicraft people, hold them everyone to one mistery"[5]; but the act was not easily maintained. The Carpenters of London tried to enforce it by forbidding their members to undertake any other man's work whether in masonry, plumbing, daubing or tiling, "saving only that, that belongeth to carpentry"[6]. At Chester, on the other hand, strife arose

[1] *Coventry Leet Book*, ii. 302. The account given of the incident in Harris, *Old English Town*, 269, needs correction: the crafts did not organize *special* courts for the purpose; and the use of spiritual courts was not only normal, but also quite in keeping with the semi-religious origin of the craft gild.

[2] *Coventry Leet Book*, ii. 418.

[3] Riley, *Memorials*, 540.

[4] *Records of Oxford*, 120 (1534).

[5] *Statutes*, i. 379.

[6] Jupp and Pocock, *Carpenters' Company*, 350.

because the members of one company intermeddled with the trade of other companies; for instance, the Tailors complained that the Drapers cut and sewed garments[1]. Order was therefore taken that all should keep to the mistery in which they were enfranchised, but complaints were again renewed[2]. At Norwich, again, the rule that no one should occupy more than one craft appears to have been in force in 1532[3], but was abandoned a few years later. "It is ordained that every person and persons that keepeth two shops or more in several parts of this city, and there use divers occupations or misteries, shall be charged to every such occupation to all charges and gilds [taxes] of the same"[4]. Elsewhere also, it seems to have become a recognized principle that "all franchised men being free of one occupation shall henceforth be free of all occupations"[5], but usually upon the understanding that they contributed to every craft in which they engaged[6].

The economic position of women.

The economic position of women in the Middle Ages is obscure, though they were not without a considerable share in the industrial life of the country. There is not the same evidence of industrial organization among them such as we find in the *Livre des métiers* of thirteenth-century Paris[7], but they were admitted to the membership of certain craft gilds, especially among the Barber Surgeons of London and

[1] Morris, *Chester*, 436 (1574).
[2] *Ibid.* 404.
[3] *Records of Norwich*, ii. 118.
[4] *Ibid.* ii. 309.
[5] Drake, *Eboracum*, 212 (1519).

[6] (i.) London; in 1336 the Weavers complained that the Burellers exercised their craft without being members of their gild. The authorities ordained that all freemen could set up looms and weave and sell cloth at their will, "saving to the king his yearly farm", *i.e.* provided they contributed to the Weavers' farm: *Letter Book E*, 296 *seq.* About 1518 the Weavers sued a grocer for setting up weaving without licence; the defendant alleged that he had tendered his contribution: *Select Cases in the Court of Requests*, p. lxxiii.

(ii.) Newcastle; a craftsman may occupy other crafts upon payment of a fine: *Select Cases in the Star Chamber*, ii. 112.

(iii.) Coventry; if any one wished to occupy another calling he must "agree with the said occupation" (1518): *Leet Book*, iii. 655. Again in 1544 it was granted that every clothier might weave his own cloth if he paid the Weavers' charges: *ibid.* iii. 776.

(iv.) Beverley; in 1492 the Tailors laid down the rule that drapers who encroached upon their sphere should pay contributions to them: *Beverley Town Documents*, 75.

[7] *Economic Journal*, v. 218.

York;[1] they were enrolled as apprentices;[2] and the brewing industry was largely in their hands. They also shared in the woollen industry as spinners, weavers and dyers[3]. One-fourth of the cloth woven in York at the end of the fourteenth century is said to have been produced by women[4], and the ordinances of the Weavers' gild (1400) provide that no woman should weave unless she were well taught and approved[5]. In the time of Edward I. Wallingford contained as many as fifty women traders[6]. There seems, therefore, no adequate ground for the view that working women were mainly "unpaid domestic workers"[7] following household occupations, rather than wage-earners supplying a market. The act of 1363 restricting craftsmen to a single trade did not apply to women, and incidentally throws light upon their industrial pursuits. "But the intent of the king and of his council is that women, that is to say, brewers, bakers, carders and spinners, and workers as well of wool as of linen-cloth and of silk, brawdesters and breakers of wool, and all other that do use and work all handiworks, may freely use and work as they have done before this time"[8]. The stress of competition, however, gave rise to an agitation against the employment of women workers. At Bristol in 1461 the complaint was made that weavers set to work or hired to others their wives, daughters and maidens, "by the which many and divers of the king's liege people, likely men to do the king service in his wars and in the defence of this

[1] Young, *Barber Surgeons of London*, 38, 260; *York Memorandum Book*, i. p. 1. At Coventry in 1536 "Alice Green, cake-baker", was required to contribute to the Bakers' craft: *Coventry Leet Book*, iii. 723. Women were members of the Dyers' craft at Bristol: *infra, n.* 3.

[2] See *Guildhall Journals, passim.* The act of 1406 (*supra*, p. 289) applied to *a daughter* as well as to a son.

[3] (i.) Spinners: "If any spinner find *her*[self] grieved . . . *she* . . .": Green, *Worcester*, ii. App. lxviii. (1497). (ii.) Dyers: "If any damage is done through defect of dyeing by any man *or woman* of the said craft": *Little Red Book of Bristol*, ii. 83 (1407). (iii.) Women wool-wrappers—wages fixed: *Records of Leicester*, i. 186 (1281).

[4] *York Memorandum Book*, i. p. xxviii.

[5] *Ibid.* i. 243. [6] *Hist. MSS. Comm.* 6th Rep. App. 578.

[7] E. Dixon, "Craftswomen", in *Economic Journal*, v. 225.

[8] *Statutes*, i. 380. At Coventry women are said to have been employed as knitters, candle-makers and cutters of fish: *Coventry Leet Book*, iv. p. xli. See also A. Abram, *Social England in the Fifteenth Century* (1909), c. 5; *English Life and Manners in the later Middle Ages* (1913), 293-294.

his land, and sufficiently learned in the said craft, goeth vagrant and unoccupied, and may not have their labour to their living"[1]. Accordingly weavers were forbidden to employ women, except those who were now getting their livelihood from weaving. But more than a century earlier (1344), the London Girdlers had refused to allow any woman, other than the wife or daughter of a girdler, to be employed in their craft; and the prohibition appears in other industries[2]. Sometimes the prohibition against woman's labour extended even to a wife or daughter. In the sixteenth century the weavers of York ordered "that there shall no man of the said craft learn his wife, his daughter, or any woman, to weave in their said craft under pain of twenty shillings."[3] As a rule a woman could exercise her husband's craft after his death, and even employ journeymen and apprentices. "If any franchised men's wives", ordained the authorities of York in 1529, "after the death of their husbands be disposed to live sole without any other husband, that then it shall be lawful unto all such to occupy their husband's craft . . . and for take both journeymen and apprentices into their service"[4].

Silk-weaving.

Of the various industries in which craftswomen were engaged we hear most about silk-weaving. The London silk-weavers were certainly organized as an industrial body by the middle of the fourteenth century and probably earlier. In 1370 a merchant of Lombardy was indicted upon a petition presented to the king "by the poor women called silkwomen", on the ground that he engrossed all the silk raw and spun in order to raise the price. For this offence he was fined the enormous sum of two hundred pounds[5]. In 1379 the Commons petitioned the king that no one should be allowed to wear silk except knights and ladies, and those having an income of forty pounds a year[6]. They were evidently anxious to discourage the silk-weaving

[1] *Little Red Book of Bristol*, ii. 127.

[2] Riley, *Memorials*, 217 (Girdlers); *Vict. County Hist. Yorkshire*, iii. 454 (Bakers, 1595).

[3] M. Sellers, "York in the Sixteenth Century", in *English Hist. Review*, ix. 295.

[4] *Vict. County Hist. Yorkshire*, iii. 453.

[5] Illingworth, *Inquiry into Forestalling*, 235. Women workers of silk are mentioned in the act of 1363.

[6] *Rot. Parl.* iii. 66 *b*.

industry on grounds set forth in a subsequent petition, that silk "is no commodity nor thing abiding to the enriching of this land, but things of plesaunce for them that liken to have them"[1]. We meet with the silk-weavers again in the next century, when they appealed to the king for protection against the competition of foreign manufactures. "Whereas it is shewed . . . by the grievous complaint of the silk-women and spinners of the mistery and occupation of silk-working within the city of London how that divers Lombards and other strangers, imagining to destroy the said mistery and all such virtuous occupations of women in the said realm to enrich themselves and to put such occupations to other lands, . . . bring into the said realm wrought silk throwen, ribbands and laces, falsely and deceitly wrought, corses of silk and all other things concerning the said mistery and occupation, in no manner wise bringing any good silk unwrought as they were wont to bring heretofore, to the final destruction of the said misteries and occupations". The act of 1455 forbade the import of manufactured silk goods, and was confirmed under Edward IV. and Richard III[2]. It has been supposed that silk-women were aliens[3], but the language of their petition clearly shows that they were natives and that their industry was of old standing. In this petition they asserted that they had been in the craft "within the same city of time that no mind runneth unto the contrary . . . and where upon the same crafts, before this time, many a worshipful woman within the said city have lived full honourably, and therewith many good households kept, and many gentlewomen and other in great number like as there now be more than a thousand have been drawn under them in learning the same crafts and occupation", yet now owing to the competition of Italian commodities there was "great idleness amongst young gentlewomen . . . and laying down of many good and notable households". Silk-weaving, they added, was "convenient, worshipful and according for gentlewomen and other women of worship. . . . Every well-disposed person

[1] *Rot. Parl.* v. 325 *a* (1455). [2] *Statutes*, ii. 374, 395, 472, 493.
[3] W. Cunningham, *Alien Immigrants* (1897), 118.

of this land, by reason and natural favour, would rather that *women of their nation born and own blood had the occupation thereof*, than strange people of other lands "[1].

Relation between the gild merchant and the craft gilds.

The relation between the craft gilds and the gild merchant in the early Middle Ages has been the subject of considerable controversy, and there is a remarkable divergence of opinion among historians. Here, as in the problem of the manor, the questions at issue cannot be set aside as matters of barren speculation, for they affect fundamentally many of our conceptions of early municipal history. Dr. Brentano has applied to England evidence drawn from continental analogies, and transplanted to English soil the features of the struggle carried on in foreign towns between rich merchants and oppressed artisans. According to this view, the merchant gild was a gild of wealthy traders from whose ranks artisans were excluded and forced into a condition of economic dependency. The craft gilds are represented as associations formed by craftsmen to protect themselves against the merchant gild and to obtain a share in its mercantile privileges[2]. A modification of this view would regard the merchant gild as comprised of the landed citizens, and the craft gilds as comprised of the landless industrial workers who came into existence by the side of the original body of landed burgesses[3].

Friction between rich and poor.

There is ample evidence that the relations between the different elements of the community, the *majores* and the *minores*, were often strained, and that some conflict did take place in the towns; on this point the evidence of the Patent Rolls is valuable. In 1267 the commons of Lincoln presented a petition against "the mayor and others", alleging that the acquisition of citizenship was made an instrument of extortion; that the pleas of the city were held scarcely twice or thrice in the year instead of once a week;

[1] *Rot. Parl.* v. 325 *a*.

[2] Brentano, *History and Development of Gilds*, p. cxix: "The whole history" of the craft gilds "till they obtained the mastery in the fourteenth and fifteenth centuries appears as nothing else than one continual struggle of the handicraftsmen with the town for these privileges".

[3] Ashley, *Economic History*, i. 73.

that the taxes of the town were not devoted to their proper use, that no account was rendered of the state of the finances, that many citizens withheld their share of the assessments, in consequence of which the king had twice taken the city into his hands [1]. In this long list there is no hint, however, of industrial oppression; the grievances are financial and unfold the familiar story of the rich grieving the poor. In 1276 the commonalty of York complained that the smaller men were rated to tallages, fines, contributions and amercements out of proportion to their means. Accordingly a royal mandate was issued to the "mayor, bailiffs and citizens" to make just charges, "lest the king have to apply other measures" [2]. In 1281 the mayor of Carlisle was charged by "the poor men of the town of Carlisle" with "divers injuries and grievances" [3]. In 1304 we get the complaint of "the poor men of the commonalty of the town of Lynn, that the rich who levy collections and tallages upon that commonalty and fines made with the king for matters touching the commonalty, collect more than the specified sums and often extort grievous distraints from the commonalty, which they convert to their own uses" [4]. Again, in 1376 the "poor commons" of Yarmouth petitioned the Good Parliament that they might freely buy and sell *according to the tenure of their charter*, and not be oppressed by the rich (*les grantz*) [5]. The appeal for their legal rights is significant: they appear not as unenfranchised commons seeking relief, but as the weak oppressed by the strong.

Evidence of economic oppression.

In the evidence that we have brought forward, there is nothing to support the contention that during the twelfth and thirteenth centuries the mediaeval craftsmen were involved in any struggle with the merchant classes. None the less it is contended that the craft gilds at their first

[1] *Patent Rolls*, 1266–1272, p. 270.
[2] *Ibid.* 1272–1281, p. 138.
[3] *Ibid.* 1272–1281, p. 476.
[4] *Ibid.* 1301–1307, p. 280.
[5] *Rot. Parl.* ii. 352 *a*, 353 *a*. There were also disputes in Grimsby in 1258 between the rich and poor over forestalling and other "corrupt practices": *Charter Rolls*, ii. 14; *Hist. MSS. Comm.* 14th Rep. App. viii. 238. For the grievances of the commonalty of Dublin (which are of a general character relating to financial administration, assizes of bread and ale, and the like), see Gilbert, *Documents of Ireland*, 359 *seq.*

inception undoubtedly met with opposition, and that artisans were excluded from civic rights and burdened with heavy disabilities. The earliest Pipe Roll shows that already under Henry I. craft gilds were established among the Weavers of London, Winchester, Oxford, Lincoln and Huntingdon, and among the Fullers of Winchester and the Cordwainers of Oxford [1]. We also meet with Weavers' gilds at York [2] and Nottingham [3], and a Bakers' gild in London [4]. These gilds were founded by royal charter, and their relations with the municipal government were apparently extremely hostile. At London the civic authorities made every effort to crush the separate organization of the Weavers, granted to them by Henry I. and confirmed under Henry II. " with all the liberties and customs which they had in the time of King Henry my grandfather ; so that none, except by their permission, intermeddle within the city with that trade, and unless he be in their gild " [5]. In 1202 John agreed to abolish the Weavers' gild : " At the petition of our mayor and the citizens of London we have granted . . . that the Weavers' gild shall not exist henceforth in our city of London, nor shall it on any account be revived. But because we have been wont to receive yearly eighteen marks of silver from that Weavers' gild, the aforesaid citizens shall pay every year to us and our heirs twenty marks of silver " [6]. The authorities, however, fell into arrears [7], and the king again restored the gild, though the Weavers had now to pay twenty marks, and the hostility of the city grew so intense that in 1221 the Weavers deposited their charter of liberties for safe-keeping in the Exchequer [8]. Henry III. confirmed their privileges in 1242 [9], but in 1300 their resistance to the civic authorities suddenly collapsed and they made submission

[1] *Magnum Rotulum Pipae* (ed. J. Hunter, 1833), 2, 5, 37, 48, 114, 144.
[2] 11 Hen. II. (*Pipe Roll. Soc.* viii. 46).
[3] 2 Hen. II. *The Great Rolls of the Pipe* (ed. J. Hunter, 1844), 39.
[4] *Ibid.* 4. The Bakers paid annually one mark of gold (=8 oz.), but in 4 Hen. II. they only paid 2 oz. (*ibid.* 114). This explains the entry in T. Madox, *Exchequer* (1711), 231, that the bakers stood charged with one mark and 6 oz. of gold.
[5] Ballard, *Borough Charters*, 208 (1155–1158). [6] *Ibid.*
[7] Madox, *Exchequer*, 279 (*n.* m). " Cives Londoniae debent lx marcas pro gilda telaria delenda ".
[8] Riley, *Liber Custumarum*, i. p. lxii. [9] *Ibid.* 48.

to the mayor. They agreed to accept the new ordinances drawn up by the authorities in conjunction with representatives of the Weavers and the Burellers. They were allowed to retain their own court and bailiffs, but henceforth the mayor had the right to preside over the court if he wished, while the bailiffs were required to take an oath of obedience in his presence [1]. Not only did the municipality endeavour to destroy the craft gilds, but it subjected the weavers to the most rigorous disabilities. The Laws of the Weavers and Fullers, which are now known to date from the reign of King John [2], show that at Winchester they were not allowed to sell cloth to non-burgesses, nor to engage in trade outside the city: "neither weaver nor fuller may buy even that which pertains unto his craft, unless he make satisfaction to the sheriff each year" for the payments due from his gild. It is added: "nor may any freeman be attainted by a weaver or by a fuller, nor may they bear witness". It is true that we find burel cloth made at Winchester by freemen [3], but this was at a later period and does not necessarily conflict, as is sometimes thought, with the earlier evidence. At Marlborough similar provisions were enforced: if a weaver sought to become a freeman of the city he had first to forswear his craft; "nor may anyone weave or work except for the proved men of the town, or have anything of his own but what pertains to making cloth, worth one penny". Again at Oxford he could not weave or full his own cloth without leave; and lastly, the Law of Winchester concludes with the important words: "and this law they have of the freedom and of the custom of London as they say".

An explanation commonly given of the antagonism between the weavers and the body of burgesses is that the former were aliens, Flemings, who came over to England after the Norman Conquest and established the weaving

[1] Riley, *Liber Custumarum*, i. 121 *seq.*

[2] These laws (which are contained in Riley, *Liber Custumarum*, i. 130-131) have since been printed from an earlier MS. (*c.* 1209) in the British Museum by Leach, *Beverley Town Documents*, App. ii. 134.

[3] *Archæol. Journal*, ix. 77; Smith, *English Gilds*, 351. Similarly at Bristol in 1346 only burgesses could weave cloth: *Little Red Book*, ii. 4.

Reasons for the antagonism between weavers and burgesses.

industry in this country[1]. This hypothesis has little direct evidence in its favour. There appear to have been Flemish weavers in Yorkshire[2], and some of the Flemish mercenaries employed in the revolt of 1173 may have settled in this country[3]. But, as we shall see, the cloth trade was widely spread, and the number of weavers dispersed throughout England in the twelfth century was considerable; it is improbable, therefore, that they were of alien origin, though doubtless Flemings were to be found in their midst. The fact that weavers refused to accept municipal control, and obtained royal charters to set up independent gilds of their own, does not prove that they were aliens, for the Cordwainers of Oxford, the Bakers of London, and the Fullers of Winchester also had their own gilds at the same period. The conflict between the weavers and the municipal authorities can best be explained on other grounds. The former were not debarred from civic rights because they were landless artisans oppressed by the rich, but on the contrary because they were rich enough to purchase royal charters and win for themselves an exceptional position. Attention may be called to the fact that at Oxford, at any rate, the weavers, fullers and shoemakers were not all landless craftsmen; at the very time when the Laws of the Weavers and Fullers were presumably in operation against them, they were holding land within the city which was their own whether to sell or to give away[4]. Accordingly the decisive factor in the situation would seem to have been not economic but constitutional. The weavers, fullers and bakers of the different towns formed associations in the first instance to secure the monopoly of their trade, and to commute the tolls[5] due to

[1] Riley, *Liber Custumarum*, i. p. lxi. *seq.*, followed by Gross, *Gild Merchant*, i. 108; Cunningham, *English Industry*, i. App. E, 641.

[2] *Vict. County Hist. Yorkshire*, iii. 436-438.

[3] G. T. Lapsley, in *English Hist. Review*, xxi. 509-513.

[4] *Charter Rolls*, i. 300. Grant in 1246 to the Hospital of St. John, Oxford, "of the gift of Henry son of Alwin all *the land which his father bought from Herbert the weaver*" in the parish of St. Peter in the East within the walls of Oxford. Other craftsmen holding land in Oxford were a carter (*ibid.* 300), a shoemaker (301) and a fuller (304).

[5] Thus the Bakers of Winchester were required to pay each 2d. per annum to the king and 1d. to the city clerk; presumably also their fines went to the city treasury: *Archæol. Journal*, ix. 78. Observe that in 1202

the Crown for a fixed sum which they paid into the Exchequer. In addition, the right to hold their own courts would in itself constitute a valuable concession; it would enable them to retain in the common purse the fines levied on their members for trade offences. When the Weavers of London paid twelve pounds annually to the Exchequer, and the Weavers of Winchester and Oxford a mark of gold (six pounds), we may be sure that amounts so large were not paid for vague rights of autonomy or the still vaguer right of royal protection and recognition, but really to avoid irregular and repeated exactions on the part of the king or the municipality. Nothing less than this serves indeed to explain the farm for which the gilds were liable. The relative value of money in the twelfth century is uncertain, though probably we must multiply by at least forty to get modern values[1]. When we remember that the chaplain at Windsor was receiving but a penny a day[2], we may feel confident that the heavy composition paid by artisan weavers represented some very substantial equivalent. The privilege of farming their dues and holding their court carried with it other privileges, and the claim to a monopoly of their trade followed as a natural corollary from the principle, that those who sought to share their immunities must first be willing to share their burdens. On the other hand, when the burgesses began to attain a corporate existence and to build up an organized municipal system, they were necessarily drawn into conflict with all who were reluctant to be absorbed into the common life of the town or submit to the jurisdiction of the borough courts. The root of the trouble, we would contend, was not that the merchant gild wished to exclude the weavers, but that the weavers refused to be brought within the merchant gild. They strove to escape its jurisdiction and to evade its taxes; they preferred to hold their own courts, levy their own assessments, and stand completely outside the municipality.

John gave the farm of the Weavers and Fullers to Winchester, "ad perficiendam firmam civitatis": *Vict. County Hist. Hampshire*, v. 477. This explains why London wanted control of its Weavers' gild—to obtain the farm in its own hands.

[1] Round, *Introd. to Pipe Roll*, 30 Hen. II. (*Pipe Roll Soc.* xxxiii.), p. xxx.

[2] *Ibid.*

Just as the town magistrates imposed disabilities upon the tenants of ecclesiastical lords who refused to acknowledge their authority[1], so they displayed a similar treatment to independent bodies of craftsmen. We are apt, in truth, to see everywhere privileges where the men of the thirteenth and fourteenth centuries saw only burdens. Gildship, like parliamentary representation, was originally not a privilege but a burden, and involved heavy responsibilities. The gildsmen of the earlier Middle Ages were exercised not how to keep men out, but how to bring them in[2], and normally the craftsman was admitted to their ranks if he paid his dues and resigned all pretensions to control his trade. It is certain, at any rate, that the merchant gilds were not confined to large dealers, and that craftsmen as a rule were freely admitted to the rôle of membership[3]. The gild rolls of Leicester and Shrewsbury show that we must interpret the word "merchant" in a wide sense, for in the earlier period it was applied to all who engaged in trade[4]. This definition includes the master craftsman who was not only an artisan but also a trader, who bought the raw material and sold the finished product.

On the whole our conclusion must be that, speaking generally, the conflict between the twelfth-century weavers

[1] At Hereford, *e.g.*, ecclesiastical tenants were refused community of rights with other inhabitants: *Journal of the British Archæol. Assoc.* xxvii. 467. On the whole question, see *supra*, p. 186.

[2] Compare the following entry in the rolls of the Leicester gild merchant (1336): "Peter of Worthington charged that he bought and sold against the ordinance of the Gild and that he was rich enough to enter the Gild [*i.e.* to support its burdens], who came and swore that his chattels are not worth 20s. and so withdrew till another time": *Records of Leicester*, ii. 30. Cf. also the flight of weavers, fullers and dyers from Northampton to escape taxes: *Rot. Hund.* ii. 3.

[3] (i.) Leicester: *Record*, i. pp. xxix. 12 *et passim.* (ii.) Shrewsbury: The rolls of the fourteenth century have been printed by C. H. Drinkwater in *Trans. Shropshire Archæol. Soc.* 3rd ser. ii. 65; iii. 47, 351; iv. 217. See also Gross, *Gild Merchant*, i. 107 (*n.* 1). At Newcastle artificers were members of the gild merchant: "The said artificers that now be and their predecessors before them *have always been* free burgesses and gild-merchants in the said town": *Select Cases in the Star Chamber*, ii. 79. At Bristol Edward III. claimed the fees paid by Bakers, but the mayor refused to comply on the ground that Bristol possessed a gild merchant with exemption from custom and tolls, thus showing that the gild included craftsmen: Latimer, *Merchant Venturers*, 6.

[4] Gross, i. 107 (*n.* 2); Macpherson, *Annals of Commerce*, i. 374 (*n.*).

and burgesses was neither racial nor economic[1], but constitutional. It is very much the parallel of the conflict between the Church and the towns. Abundant evidence has already been given to show that throughout the Middle Ages the municipalities refused to tolerate a divided authority, and struggled for centuries to bring all rival jurisdictions under their control. The hostility towards the weavers, therefore, if its nature and extent have not been exaggerated, can best be explained by their attempts to establish feudal immunities within the towns[2]. In any case, the submission of the Weavers' gild in 1300 apparently removed the objection of the authorities to the formation of crafts; and there was a rapid development of craft gilds among

A constitutional struggle.

[1] In his invaluable contributions to English Economic History, Prof. Ashley has adduced other evidence which may well seem to point to economic oppression. (1) Many towns purchased from John the right to sell cloth freely, and "it is clear that the ruling body intended to use their privileges against the craftsmen". (2) Weavers at High Wycombe were required to pay a tax on their looms, and the authorities also retained stallage, the right "to monopolize or control the sale of the cloth". (3) The readiness of the citizens of London to bribe the king to destroy the Weavers' gild is a fact which needs explanation. (4) Again, why were the Fullers of Lincoln denied community of rights with the free citizens? (5) Lastly, the monopoly of the gild merchant is shown by its refusal at Leicester to allow weavers to weave cloth for men of other towns (*Woollen Industry*, 1887, pp. 22, 24; *Surveys Historic and Economic* (1900), 218). I would urge, however, (i.) that the concession which the towns purchased was really the suspension of Richard I.'s assize of cloth (see *infra*, p. 394), and was not an attempt on the part of the merchants to obtain the monopoly of sale. (ii.) That the tax on looms was an ordinary fiscal device which is found even in the fifteenth century (*infra*, p. 413); while the reservation of stallage meant only that the weavers must continue to pay rent for their stalls or booths in the market-place. (iii.) That the citizens of London wanted to get the Weavers' farm into their own hands; the extra two marks which they offered represented the increment, which they were willing to pay with the intention to recuperate themselves out of the profits of the farm (*supra*, p. 324, *n.* 5). (iv.) That the Fullers were denied community of rights for the same reason that tenants of ecclesiastical fiefs were sometimes denied such rights (*supra*, p. 326), viz. because they would not be amenable to civic control. (v.) That the prohibition relating to the Weavers of Leicester was part of a general 'anti-foreign' policy pursued by mediaeval towns, which sought to check both the commercial and the industrial rivalry of country competitors (on this point, see *infra*, p. 438). It was not therefore a sign of economic oppression.

[2] It is probable enough that in a few towns certain callings may have been a disqualification for citizenship. Thus the Customs of Bristol drawn up in 1344 contained a clause: "Henceforth no baker be admitted to the liberty in any way . . . unless he shall be willing to abjure his business first" (*Little Red Book*, i. 36). But the clause is marked *vacat*, and weavers at any rate were required to be citizens (*ibid.* ii. 4: 1346).

which the powers of the merchant gild would seem to have been parcelled out[1]. This would account for the general disappearance of the gild merchant in the fourteenth century. We get glimpses of the process of disintegration at Leicester, where in 1260 the fullers were made to swear that they would hold no private "morning-speech" or meeting[2]. The fullers were evidently breaking away from the control of the merchant gild, and forming a separate organization in which to manage their own affairs. The break-up of the merchant gild was brought about not by legislation, but by the operation of economic forces; increasing specialization in industry was the fundamental economic cause which robbed it of vitality. It is true that the name, merchant gild, reappears later and is then often applied to an organization of merchants. But there is a gap of two centuries to be bridged, and the absence of any general record of its activity during the intervening period indicates that where it did not survive as the aggregate of craft gilds, it died from inanition.

Relation between the town authorities and the craft gilds.

The relation between the craft gilds and the town authorities in the later Middle Ages is a problem of the utmost importance. It involves the fundamental questions how far mediaeval industry was shackled by external control, whether on the part of the municipality or the state, how far the restrictions imposed upon it were conceived in the interests of the community, and how far the craft gilds were able to bring pressure to bear upon the municipal government and manipulate it to serve their own ends. It will be as well to emphasize what has already been stated, that every city has its own history and that no one generalization can cover the whole field[3]. The position of the gilds in every town was marked by its own distinctive characteristics and individual features. The records of Norwich, Bristol, Coventry, and above all London, have cast a flood of light upon this aspect of our subject, and enable us to determine with some degree of confidence the relations which subsisted between the craft organizations and the municipality.

[1] Gross, *Gild Merchant*, i. 117.

[2] *Records of Leicester*, i. 90.

[3] Brentano (*Gilds*, p. cxxiii), for example, holds that the craft gilds "retained everywhere the independent government and jurisdiction over their trade".

Nowhere was the control of the civic authorities over the gilds more complete than at Norwich. At first, indeed, Norwich set its face resolutely against the gild system, and in 1256 induced Henry III. to insert a clause in its charter forbidding any gild "henceforth to be held in the city to the detriment of the city"[1]. The opposition to the institution of craft gilds was not inspired by any sentiment of hostility to the artisans, nor was it an attempt at industrial oppression; it sprang from the belief that they were organized with the object of raising prices and making themselves independent of municipal control. It soon became apparent, however, that it was impossible to check the growth of the gilds, and the alternative expedient was adopted of placing them under the control of the city magistrates. Accordingly about 1286 the craft gilds of Norwich received formal recognition, but the municipal government, in order to keep its power over them in its own hands, ordered the bailiffs "and twenty-four of the city commonly elected" to choose every year two members from each gild to search four times a year and present all defective wares to the bailiffs[2]. The authorities continued, moreover, to amerce adulterine gilds instituted without their licence. In 1293 the Cobblers were fined for setting up a gild without leave "contrary to the prohibition of the lord king", and a similar punishment was inflicted upon the Saddlers and Fullers[3]. Henry III.'s charter afforded the rulers of the city an instrument by which they could compel every gild to acknowledge their rights of control, and could exact the most implicit obedience to their commands. They nominated the wardens of the crafts and received presentments of all faults and frauds[4]. Subsequently the wardens were chosen by the gild, but they were still sworn before the mayor to whom the power of appointment reverted, if the craft showed

(i.) *At Norwich.*

[1] *Records of Norwich*, i. 18. Similarly the water-carriers of Leicester were forbidden to form an association, and the purpose of the prohibition comes out in the injunction that they ought to serve the community loyally and well: *Records of Leicester*, ii. 197 (*temp. incert.*).

[2] *Records of Norwich*, i. 192.

[3] Hudson, *Leet Jurisdiction in Norwich*, 42.

[4] *Records of Norwich*, i. 192 (*c.* 1286); i. 105 (1415); ii. 315; ii. 282 (1449).

negligence in the exercise of its functions[1]. The gilds were thus completely subordinated to the governing body. They could not meet in assembly without licence[2], and could only frame ordinances for their mistery provided that the approval of the civic authorities had been first obtained[3]. They were not allowed to hold independent courts which might enter into conflict with the municipal court, or at any rate become an instrument for the exclusive control of their trade. "It is ordained that no gilds of crafts, fraternities or company shall make or assess any manner of fines for any manner of default within themselves, but all such defaults shall be presented unto the mayor", who was to make the assessment with the aid of some of the members of the craft concerned[4]. This last restriction is found also at York, where the civic authorities claimed the right to punish gild offences, and no searchers of any occupation were allowed to correct or punish defaults[5].

(ii.) *At Bristol.*

The history of Norwich has a valuable parallel in that of Bristol. We find the same jealous scrutiny of gild ordinances and the same determination that these ordinances should not remain a dead letter. The aldermen of the Weavers and other crafts were bidden to make search throughout the mistery, and "if they shall find anything contrary to the prescribed ordinances, so often as they shall find it, they ought to show and faithfully present it to the mayor"[6]. This indicates that in Bristol, as in Norwich, the authorities refused to allow the gild the right of coercive jurisdiction over its members in matters of trade, and so weakened its power of resistance to their rules. How complete was the control of the municipality over the gilds may be seen from the significant words with which they ratified the ordinances of the Fullers in 1406: "Saving always to the jurisdiction of us the mayor and council of

[1] *Records of Norwich*, i. 105 (1415).
[2] *Ibid.* ii. p. xlvii (1418).
[3] *Ibid.* ii. 280 (1449).
[4] *Ibid.* ii. 114. This was in 1531; apparently in 1449 the gild authorities had been allowed to judge defaults (though required to present them to the mayor), and the power being abused was now taken from them: *ibid.* ii. 280.
[5] Drake, *Eboracum*, 215 (1519).
[6] *Little Red Book of Bristol*, ii. 4 (1346); similarly: ii. 185 (Pewterers, 1457), etc.

the town, that if there be any ordinance, point or new addition touching the said craft which can be profitable as well to the town as to the aforesaid craft, that then by the advice of us and of the masters of the said craft they shall be amended and firmly kept, these ordinances notwithstanding" [1]. As early as 1346 the ordinances of all the crafts were submitted to the mayor and council, "and in some respects amended by them" [2]. The right of the town authorities to control the gilds was laid down in express terms in the ordinances of the Smiths (1404): "Reserving all time to the mayor of Bristol and to the council of the town, power to correct, to punish, amerce and redress as well the masters and all other powers of the four crafts, each one after their deserving and trespassing as the case asketh" [3]. New ordinances were enrolled among the town records and the gilds appear to have sought municipal approval of their own initiative, as impressing the stamp of authority upon their regulations. In 1419 the Weavers, and in 1439 the Barbers, asserted that their ordinances were violated because "they had not the ordinances aforesaid under the common seal for the more warrant, where through the craft is greatly hindered". They asked, accordingly, that their ordinances should be ratified "in writing under your common seal" [4].

(iii.) *At Coventry.*

Norwich and Bristol, the one a great manufacturing town, the other a great trading port, were the two chief cities in the kingdom after London. Another important centre of industry was Coventry, and here also the municipal records bear striking testimony to the supremacy of the civic authorities in the supervision and control of all economic concerns. In the fifteenth century, the masters of every craft had annually to submit their bye-laws to the mayor, and ordinances "against the law in oppression of the people" were annulled [5]. In 1515 it was enacted "that every craft and occupation of this city that is a fellowship of them-

1 *Little Red Book of Bristol*, ii. 80; similarly: ii. 88, 100, etc.
2 *Ibid.* ii. 1.
3 *Ibid.* ii. 183. Similarly the Dyers (1445): *ibid.* ii. 170.
4 *Ibid.* ii. 119 (Weavers); 152 (Barbers).
5 *Coventry Leet Book*, i. 29, 32 (1421); 170 (1434); ii. 418 (1475).

selves, that they bring in their books of their occupation at such time as master mayor commandeth them, and such caves and rules as be unreasonable to be reformed by master mayor and his brethren". At the same time it was added that all ordinances established by the craft gilds must be registered in "the mayor's book", or they would be void[1]. This was intended as a precaution against any secret proceedings in the craft gilds carried on by collusion among the members. The authority of "master mayor" was also felt in other directions. He appointed keepers and searchers among the Candle-makers, Card-makers and Leather-tanners[2]; he selected one of the two wardens in each of the victualling crafts[3]; he received presentments of defective wares, and he had "the oversight of tile-making"[4]. In other towns also, we have evidence of the subordination of the crafts to the municipal government or the lord of the town. At Bury St. Edmunds, which was under ecclesiastical control, the "occupiers of the craft" of Weavers sought the sanction of the monastery to make ordinances and correct abuses[5]. In Reading the mayor elected the wardens of the Fullers[6]; at Canterbury he appointed one warden in each of the crafts[7]; at York he corrected gild ordinances "at his pleasure", and, as was mentioned above, punished gild offences[8]; while at Beverley the town council regulated the misteries, and allowed any craftsman dissatisfied with the accounts of his gild to appeal to the governors of the town[9]. Sometimes the municipality even took the initiative in forming a craft gild. At Northampton complaints were made that every tailor "esteems himself as good and skilful a master as another", and customers suffered from their lack of skill. Accordingly the authorities themselves forced an organization upon the Tailors from above

[1] *Coventry Leet Book*, iii. 645.

[2] *Ibid.* iii. 703 (Chandlers, 1530); 712 (Leather-tanners, 1532); 793 (Card-makers, 1549).

[3] *Ibid.* iii. 669 (1520).

[4] *Ibid.* ii. 554 (Pewterers' defective wares presented, 1494); i. 188 (Tilers, 1437).

[5] *Hist. MSS. Comm.* 14th Rep. App. viii. 133 (1477).

[6] *Reading Records*, i. 216 (1550).

[7] *Hist. MSS. Comm.* 9th Rep. part i. App. 173 (1490).

[8] *York Memorandum Book*, i. 185 (1467); Drake, *Eboracum*, 215 (1519).

[9] *Beverley Town Documents*, 53 (1467).

(1444), in order to "lay down order and good rule" among them [1].

Attempts at independence.

There are indications that some of the Coventry gilds were restless under the dictation of the municipal authorities, and attempted to assert their independence and establish control over their members by suing them in spiritual courts [2]. There is no reason, however, for regarding this as in any way exceptional or as a sign of gild degeneracy: there was nothing remarkable in the fact that powerful bodies of craftsmen occasionally chafed under the disabilities to which they were exposed, or that they sought to shake off their restrictions whenever it lay in their power to do so. Nor need we suppose that on their part the authorities never for a moment relaxed their rigorous control over industrial life, but strenuously carried out the strict letter of their numerous and detailed regulations. In all ages the execution of laws has lagged behind the good intentions with which they have been framed. It is sufficient if we can show that, speaking generally, the authority of the municipality over the craft gilds was in theory almost invariably recognized and in practice very frequently enforced.

The Tailors of Exeter.

More significant than the instance just cited was the attempt of the Tailors of Exeter to rid themselves of the municipal yoke, and become an independent and self-governing body "dividing the mayor's authority". In 1466 they had been incorporated by Edward IV. and given a common seal; shortly afterwards they were involved in a bitter quarrel with the rulers of the city, who condemned their charter "as prejudicial and against the liberties of the city". The Tailors were a powerful fraternity, whose members were "men of good wealth and countenance" and had seats on the council; they were therefore not inclined to make easy submission. The king was forced to intervene, and by his award (1477) the gild was ordered to make no ordinances prejudicial to the rights of the Church or the city. The city, however, was not satisfied and in 1482 petitioned

[1] *Records of Northampton*, i. 278. For their control of the crafts, see *ibid.* i. 237, 246, 291, 296. At Shrewsbury (Hibbert, *Gilds*, 39) the wardens of the Glovers took an oath of obedience to the town rulers.

[2] *Coventry Leet Book*, ii. 302 (1457); see *supra*, p. 314.

parliament against the gild, complaining that the mayor no longer had the "entire rule, oversight and governance of all merchants, mercers, drapers, grocers, tailors and all other artificers . . . and the correction and punishment of all offences within the city by them . . . or any other person there committed". The petition was successful and an act of parliament abolished the gild. Afterwards a peace was apparently patched up, for the gild was again revived and no further trouble ensued [1]. The struggle of the Tailors for independence stands isolated, and the other gilds of Exeter to all appearance made no attempt at imitation. The Cordwainers (1482) acknowledged the authority of the municipality with a deference which indicated their complete submission to its rule, and the jealousy of the governing body of the town is shown by the fact that they were required to surrender every year all the powers of their gild and resume them again by the new mayor's grant. As with the gilds of Bristol and other towns, their ordinances were entered among the records of the city in order that they might be "firm and stable" [2].

Instances of strained relations.

We have another example of strained relations between a craft and the municipal authorities in the case of the Shoemakers of Oxford. The gild of Shoemakers was founded by a royal charter in the twelfth century [3], and their monopoly of trade brought them into conflict with the town magistrates on at least two occasions. In 1321 they complained that the bailiffs allowed non-gildsmen to follow their craft [4], while as late as 1575 they were committed to prison for refusing to submit their ordinances to the mayor, and for exacting heavy fees of admission from new members [5]. Again at York the Cordwainers, engaged in a struggle with the Weavers for precedence in the Corpus Christi procession, resisted the authority of the council for some years, until eventually the king himself was compelled to intervene [6]. As may readily be gathered, conflicts were most frequent where the

[1] Smith, *English Gilds*, 299-309; *Select Cases in the Star Chamber*, i. 1-6.
[2] Smith, *op. cit.* 331, 334. [3] *Pipe Roll*, 2 Hen. II. (ed. Hunter, p. 37).
[4] *Collectanea* (Oxford Hist. Soc.), iii. 121, No. 64; Ogle, *Royal Letters addressed to Oxford*, 28.
[5] *Archæol. Journal*, vi. 150; *Oxford Records*, 376.
[6] Davies, *Municipal Records of York*, 250 (*temp.* Hen. VII.).

victualling crafts—the butchers, bakers, brewers and fishmongers—were concerned: for the victuallers, strong in their monopoly of primary necessaries like bread and wine, were under a constant temptation to set municipal control at defiance by going on strike. But the authorities had in their hands a weapon by which they could easily bring a refractory gild to its knees, the admission of non-freemen to the market. At Chester (1557) the bakers rejected the mayor's assize and refused to supply bread, but the mayor forced them to submit by confiscating their charter and allowing strangers to bake bread [1]. The butchers also went on strike and would not provide meat, because 'foreign' butchers were admitted into the city; they were committed to prison till they promised henceforth to serve the city faithfully [2]. A bakers' strike is again recorded at Coventry, where in 1484 they left the city "destitute of bread", but were soon compelled to surrender to the authorities [3]. At York the butchers, taking advantage of the absence of competition, sold their commodities at excessive prices; accordingly the mayor for remedy extended permission to dealers living outside the city to sell at the Thursday Market. If the city butchers placed any hindrance in their way, they were to lose their franchises and be committed to prison [4]. The struggle between the victualling crafts and the consumers is signally illustrated in the records of the Coventry butchers. In 1547, and again in 1550, it was ordered that the butchers of the city should allow 'foreign' butchers and other victuallers to sell in the town on two or three days a week. But eventually the provision dealers triumphed over the free-trade party, for in 1552 country butchers were excluded from Coventry and were henceforth "not to have any such liberty to sell their meat and victuals here, as they have had in time past" [5]. The carpenters of Coventry were less successful in resisting the competition of country craftsmen, for in 1553 the latter were permitted to carry on their occupation in the city without opposition on the part of the town gild [6].

[1] Morris, *Chester*, 416 *seq.*
[2] *Ibid.* 438 (1578).
[3] *Coventry Leet Book*, ii. 518.
[4] *York Memorandum Book*, i. 57.
[5] *Coventry Leet Book*, iii. 780 (1547); 795 (1550); 803 (1552).
[6] *Ibid.* iii. 807.

(iv.) *At London.*

London has always stood in a class by itself. Its wealth, dignity and commercial pre-eminence have enabled it with ease to outstrip its competitors, and to achieve a position that is unique among English towns. Its municipal development is therefore naturally marked by peculiar features, which appear to have no exact parallel elsewhere. It was not inferior to Bristol or Norwich in the degree of obedience which it exacted from the gilds, and the rules of the crafts were brought to the governing body for their ratification. The Articles of the Hatmakers were approved by the mayor and aldermen "at the suit and request of the men of the said mistery"[1]; and between 1487 and 1496 over forty companies submitted their ordinances to the civic authorities[2], when those rejected were cancelled and the leaves of the books, in which they were recorded, were cut out. The gilds were fined for any attempt to evade the control of the city; in 1438 the Pewterers "confessed that they had made ordinances among themselves without authority of the mayor . . . against the liberties of the city and against the common profit"[3]. Accordingly the ordinances, which appear to be identical with those borrowed by the Pewterers of York in 1416 for the rule of their craft[4], were "annulled and utterly rejected", and a new body of rules substituted in their stead. In other directions also, we have evidence that the gilds were subordinate to the civic authorities. The ordinances of the Coopers were confirmed with a proviso, which expressly reserved the right of the authorities to make any amendments if necessary[5]; the Cappers, the Cutlers, the Armourers submitted their wares for examination[6]; and the Carpenters surrendered half their fines[7]. London had, however, to face problems, the legacy of its past history, which taxed all its energies and resources. Originally it

[1] *Letter Book F*, 173.

[2] *Letter Book L*, pp. xvii, 246. The Butchers were fined for their ordinances in 1475: *ibid.* 128.

[3] Welch, *Pewterers' Company*, i. 9.

[4] The ordinances of the York Pewterers (1416) which have survived were not drawn up separately, but borrowed from those of the London Pewterers. Miss Sellers has suggested that they are identical with those afterwards destroyed by the London authorities in 1438: *York Memorandum Book*, i. 211-213.

[5] Firth, *Coopers' Company*, 14 (1440).

[6] *Letter Book D*, 272 (Cappers); Riley, *Memorials*, 146 (Armourers); 218 (Cutlers).

[7] Jupp and Pocock, *Carpenters' Company*, 353.

was "only a bundle of communities, townships, parishes and lordships, of which each has its own constitution"[1], and though this gradually gave way to a more consolidated municipal system, it still retained survivals of its old form of organization which were with difficulty absorbed into the civic constitution. It was brought into conflict in the thirteenth century with the Weavers' gild, and in the fourteenth century with the Fishmongers' gild, which had inherited pretensions of self-government and independent jurisdiction from the traditions of feudal liberties. At a time when London had not yet welded together the heterogeneous and autonomous elements out of which it was composed, these gilds had succeeded in establishing their own courts with a degree of strength that long defied all attempts at subjection. We have already devoted attention to the history of the Weavers; and that of the Fishmongers presents an instructive parallel. In the *Iter* of 1321, following upon a complaint raised in parliament the previous year at their monopoly[2], an indictment was framed against the Fishmongers that they claimed the right to hold a weekly court free from municipal control, and enforced in it regulations which were injurious to the interests of the community. "We have been given to understand that certain ordinances have recently been framed by London Fishmongers concerning the sale of fish . . . and that they hold among themselves for their own ends a certain court, which they call 'Halimot', in which they have made these ordinances and conspiracies"[3]. The existence of a separate court made the Fishmongers practically independent, and enabled them to take any case in which their interests were concerned out of the hands of the civic authorities and try it in their own hallmote. It set up an *imperium in imperio* and reproduced on a smaller scale the conflict of jurisdictions between

[1] Stubbs, *Constitutional History*, i. 439. But more stress is now laid upon the existence of "a strong centralized body", which "from the earliest times . . . could speak and act for the whole city": see Ballard, *English Borough in the Twelfth Century*, especially pp. 58, 62, and Appendix IV.

[2] *Rot. Parl.* i. 370 *b*.

[3] Riley, *Liber Custumarum*, i. 397; *Liber Albus*, i. 379, 383; Herbert, *Twelve Great Livery Companies*, ii. 30.

Church and State. Under Richard II. the monopoly of the Fishmongers, which even a century earlier had been a source of dispute[1], divided the citizens of London into two great factions, the victualling gilds, Fishmongers and Grocers, on the one hand, and the non-victuallers, Drapers, Tailors, Goldsmiths, Mercers, Haberdashers and Saddlers, on the other[2]. The Fishmongers were a more powerful body than the Weavers had been because they were entrenched in the very seat of municipal government. They controlled the mayoralty and the common council at different periods[3], and were able therefore to maintain unviolated their privilege of a hallmote and the exclusive monopoly of their trade. They refused to submit their charters to the authorities when ordered to do so in 1378[4], and the Jubilee Book of Ordinances, drawn up by their opponents to limit their powers, was set aside in 1387[5]. So bitter was the animosity stirred up between the rival factions, that proclamation was made in 1391 that no one should pass any opinion upon the merits of the dispute[6]. But with the downfall of Richard II., who had extended to them his support, their position was greatly weakened, and under the Lancastrians they seem to have forfeited many of the rights which they had claimed[7]. The victuallers, while thus constrained to surrender their privileged position, were strong enough to retaliate upon their opponents by compelling the manufacturing gilds in their turn to submit their charters to the mayor and acknowledge his authority[8]. The fourteenth century thus marks a period of transition in the history of the London gilds. It opened with the submission of the Weavers, and it ended with the submission of the Fishmongers and all the other crafts, whose wealth or prestige afforded them exceptional

[1] *De Antiquis Legibus Liber*, 168 (1273).

[2] *Letter Book H*, p. i. See also *infra*, p. 454.

[3] For the list of fishmongers who were mayors of London at this period, see *infra*, p. 455 (*n.* 3).

[4] *Letter Book H*, 193.

[5] Riley, *Memorials*, 494.

[6] *Ibid.* 526.

[7] (i.) In 1399 non-freemen were allowed to buy and sell fish and other victuals, wholesale and retail, notwithstanding the patent granted by Richard II. to the Fishmongers: *Rot. Parl.* iii. 444 *a.* (ii.) In 1462 the Fishmongers were ordered to submit their ordinances and to use no ordinances in future till they were confirmed: *Letter Book L*, 16.

[8] *Letter Book H*, 193. This was during the mayoralty of Nicholas Brembre (1377–1378).

opportunities for resistance. Many of the London companies continued to hold a court with limited rights of jurisdiction over their members in imitation of the precedent set by the Weavers and Fishmongers, but they were one and all in complete subjection to the rule of the mayor.

Summary From our survey of the position of the craft gilds in different towns certain conclusions may be drawn. At first they appear to have been private and voluntary associations which struggled into existence in the face of vigorous opposition on the part of the municipal authorities, who regarded with jealousy their attempts to establish feudal immunities, and were apprehensive of an exclusive industrial monopoly which might prove detrimental to the welfare of the community. Subsequently, however, the authorities, impelled by the expansion of industry, changed their attitude and actively encouraged the formation of crafts and the development of the gild system, in order to tighten their hold over those engaged in trade and more effectively to exact a satisfactory standard of workmanship. It is worth while to notice that in the thirteenth century the gilds as a rule were founded by the municipality, and not—as in the former century—by the Crown, and on this account were the more amenable to its control. The craft gilds now became public bodies vested with semi-legal authority, an organic but strictly subordinate department of civic administration, supported and controlled by the municipal government, which always retained a reserve of power while delegating to them the supervision of trade and industry. Whatever degree of autonomy and separate judicial authority the gilds may have possessed, they were strictly subservient to the rulers of the town. We find the authorities electing gild officials, amending gild laws, punishing bad workmanship, interfering on behalf of the oppressed artisan [1], regulating wages [2] and fixing prices [3].

[1] On these points, see *supra*, p. 329 *seq.* and *infra*, p. 350.

[2] (i.) London: Riley, *Memorials*, 253 (1350). (ii.) Chester: Morris, 409 (1576), 436 (1590). (iii.) Winchester: *Archæol. Journal*, ix. 77 (thirteenth century). (iv.) Dublin: Gilbert, *Documents of Ireland*, 235.

[3] (i.) London: Riley, *Memorials*, 253 (1350). Coventry: *Leet Book*, i. 223 (1445); iii. 624, 646, 669 (1515–1520). Dublin: Gilbert, *op. cit.* 232. For assizes of bread, ale and wine, see *supra*, p. 266.

Constitutional significance of the craft gilds

As the organs of commercial and industrial control, the crafts had thus a profound economic importance. Nor were they also without constitutional significance, for their influence reacted upon and modified the old burghal polity; they shifted the centre of political gravity and the possession of municipal offices from the landed to the mercantile interests. London especially was for a long time torn by the struggles of the crafts to obtain the control of municipal power. The aldermen of the city claimed the right to elect the mayor, but the privilege was contested in the thirteenth century by the commons. The *Chronicle of London* for the year 1263 describes how "this year Thomas Fitz-Thomas was again elected mayor by the populace, the aldermen and principal men of the city being but little consulted thereon"[1]. In 1272 the commons amidst great disturbances chose Walter Hervy for mayor, crying out, "We are the commons of the city, and to us belongs the election of mayor of the city"[2]. Hervy evidently represented the crafts, for he conferred upon them certain charters without the consent of the aldermen and in defiance of their wishes. Later the aldermen tried to annul these charters on the ground that they were "manifestly to the injury of all the city", and Walter "convened a great multitude of the people of those trades to which he had granted charters, telling them that the mayor and others wished to infringe their charters, but that if they would only adhere to him he would maintain them all in their integrity"[3]. Another conflict, as we learn from the Reading chronicler, broke out in the fourteenth century (1366), when Adam de Bury, the popular leader, was deposed despite the strong opposition of the people, who cried out that they would have no other mayor, and his successor was elected by a small body consisting of the aldermen and "the discreet citizens"[4]. The connexion between the craft gilds and the municipality grew increasingly more intimate, as membership of the craft became the chief avenue to citizenship. There were various

[1] *De Antiquis Legibus Liber*, 58. [2] *Ibid.* 148.
[3] *Ibid.* 164 *seq*; Riley, *Chronicles of London*, 169 *seq.*
[4] *Chronica Johannis de Reading*, 169.

ways of obtaining the franchise, and the most important of these was by admission into the gild [1]. At London, Bristol and Chester [2], no stranger was to be admitted to the freedom of the city without the consent of the merchants or craftsmen of his occupation; this rule served at first to strengthen the position of the craft gilds, but was liable to abuse as a means of checking the competition of strangers, since only a freeman could exercise any mistery or trade [3]. In other towns also, apprenticeship was the usual qualification for the acquisition of civic rights, and as a result the municipal government must have been largely identified with and dominated by the craft element. In 1351 and 1352 the members of the London common council, who had previously been elected from the wards, were now elected from the misteries [4], a sign of the growing prestige of the gilds. In 1376 power was again transferred from the wards to the misteries, and it was ordained that the council should always be chosen by the latter [5]. However, in 1384 the older system was restored [6], and to the present day the wards still retain the right of election. There was evidently a reaction in this year against the influence of the misteries, for they were forbidden to elect to the council more than eight persons from the same mistery [7]. In 1475 it was further enacted that two aldermen of the same mistery could not be nominated together for the mayoralty [8]. Again at York (1518) the members of the common council were chosen from the craft gilds, two from each of the thirteen principal

[1] *First Report of the Municipal Corporations* (1835), 18-19. Other methods were by gift or purchase, and by birth or marriage; admission to the gild would be of course mainly through apprenticeship. At Bristol in 1500 it was still possible to obtain the freedom by purchase, or by marriage with the widow or daughter of a burgess: Latimer, *Merchant Venturers*, 33. Similarly at Northampton: *Records*, ii. 311.

[2] (i.) London: Riley, *Liber Custumarum*, i. 269 (1319). (ii.) Bristol: *Little Red Book*, ii. 166 (1439). (iii.) Chester: Morris, 389 (1549).

[3] On the other hand, a gild could not admit a 'foreigner' unless he took up the freedom of the city; and in 1585 the weavers of Chester were fined for receiving a non-burgess (Morris, 385, 409). Similarly Bristol (1346): *Little Red Book*, ii. 4.

[4] *Letter Book F*, 237 (1351); *ibid. G*, 3.

[5] *Ibid. H*, 36.

[6] *Ibid.* 227.

[7] *Ibid.* 227. The statement in Herbert (*Livery Companies*, i. 29) that the Grocers at one time had 16 aldermen among their members is a mistake. The highest number for any one year is 9: *English Hist. Review*, xxii. 523.

[8] *Ibid. L*, 132.

crafts and one from each of the fifteen "lower crafts"[1]; while at Beverley (1493) only members of the livery could be elected as governors[2]. The close relation between the craft gilds and the municipal body was shown in another way when the crafts served as the basis of municipal activities. In an assessment of 1227 the inhabitants of Wallingford were grouped according to their occupation as mercers, glovers, shoemakers and the like[3]. This does not necessarily imply that the various trades were already organized in gilds, but in London and Coventry at any rate the crafts were sometimes utilized for purposes of military organization[4]. With another aspect of the problem we are considering—the interaction of the craft gilds and the municipality—we need only deal briefly. That the crafts were able to bring pressure to bear upon the municipality is doubtless true; where every craftsman was required to be a citizen[5], they would naturally include in their ranks the leading men of the town, who would be able to manipulate the government of the city and utilize its sanction to fortify their own authority. In this way we can to some extent explain the successful opposition of the masters to the journeymen gilds. But it is idle to suppose that the craft gilds were able with impunity to set at defiance the interests of the community, or issue ordinances at will unshackled by authority. On the contrary, sufficient evidence has been given to establish the contention that they were constantly called to account for injurious enactments. At no period in the Middle Ages were the powers of the municipality ever completely absorbed by the gilds; at no period did the municipality ever lose its separate and distinct identity. It is true, of course, that the governing body of the town did not itself always represent the community, and from a constitutional standpoint tended to become narrow and oligarchical. But from the economic standpoint it does appear on the whole to have represented the commonalty,

[1] Drake, *Eboracum*, 207. [2] *Beverley Town Documents*, 59.
[3] *Hist. MSS. Comm.* 6th Rep. App. 576.
[4] (i.) London: Williams, *Annals of the Founders' Company*, 211 *seq.* (1469). (ii.) Coventry: *Leet Book*, i. 244 (1450).
[5] *Supra*, p. 341 (*n.* 3).

and its control of the market, its supervision of the gilds and its execution of the assizes were all in the best interests of the general body of consumers within the towns.

Comparison of craft gilds and trade unions.

Some writers have endeavoured to establish a connexion between the gild system and trade unionism[1], but there are many striking differences between mediaeval craft gilds and modern trade unions, not only in regard to membership but also in functions. In one respect they are similar, for both alike are industrial organizations concerned ultimately with the same fundamental purpose, the maintenance of 'the standard of life'[2]. The chief object of the trade union is to organize the workers, in order to raise the standard of living and by the co-operation of forces prevent the degradation of their social and economic status. The craft gilds were no less concerned with securing to every one of their members opportunities for a fair and just remuneration of their labour. Both bodies rest in principle upon the conviction that combined action can alone ensure adequate maintenance for the workers; to this degree the trade unions carry on the tradition of the older gild system. Here, however, the resemblance ends.

Restricted membership.

(1) The craft gilds comprised only skilled artisans, but outside their ranks lay an ever-growing body of unskilled workmen, devoid of organization, in receipt of inferior wages, and altogether on a lower plane than their more favoured fellows. The craft gilds were, in fact, select bodies whose members were the competent men of the trade, and at no time apparently did they contain within their ranks the whole body of workers within the town[3]. It is this aspect of the gild as an exclusive organization, restricted as a general rule to skilled workmen, that constitutes one of its most essential characteristics. The class of 'uncovenanted' labour, or 'working class', grew as the gild began artificially

[1] G. Howell, *Conflicts of Capital and Labour* (1890), 69. Trade Unions "are the real and legitimate descendants" of the craft gilds.

[2] S. and B. Webb, *History of Trade Unionism* (1911), 19.

[3] As early as 1260 the London Lorimers exacted 30s. from apprentices (Riley, *Liber Custumarum*, i. 78), which must imply that many engaged in the trade were shut out of the craft organization. See also *supra*, p. 290; Webb, *op. cit.* 37 (*n.* 1); Green, *Town Life*, ii. 101 *seq.*

to limit its membership. It must also be borne in mind that membership of a craft gild was confined to those who enjoyed citizen rights. In practice, however, this limitation was unimportant, since admission to the gild enabled the stranger to attain burgess-ship as a matter of course.

Urban institutions.

(2) Again the craft gild was distinctly an urban institution, an industrial group consisting of the men of a particular locality. Normally its membership extended only to those who dwelt within the walls of one and the same town; this was in accordance with the characteristics of an age in which economic life was organized on the basis of the borough and the manor. We must avoid, however, the temptation to lay down hard and fast rules. There are grounds for believing that the craft gild sometimes included country workmen. The crafts of weavers and fullers at Coventry would seem to have comprised non-resident members[1], and this may also have been the case among some of the gilds of Norwich[2]. However this may be, the members of a trade union are drawn from a wider area, which may even cover the whole kingdom. This difference measures the whole extent of progress from one stage of social evolution to another, from the city state to the country state.

Compulsory membership.

(3) Further, membership of the mediaeval gild was not voluntary but compulsory; and the authorities of the gild were empowered to force every skilled artisan to become a member. The modern trade union is a voluntary association of workers based upon community of interests and the sense of solidarity.

Composition.

(4) But the vital difference between the two institutions is that the craft gild did not consist, like the trade union, of one grade of producers only, the hired worker, but of all grades: the manual worker, the middleman and the entrepreneur. The modern trade union is a combination of manual workers; while the gild embraced also the

[1] *Coventry Leet Book*, iii. 727 (1538), 738 (1539). Thus no inhabitant was to give work to weavers "of the city or of the country", unless they were members of the craft gild.

[2] *Records of Norwich*, ii. 284. The wardens were to hold "assemblies of their craft of them that be citizens and none other four times in the year at the least". This suggests non-residence, though (less probably) it may refer to non-freemen.

masters. The master craftsman of the gild system played in his time many parts. He was at once an artisan and an employer of labour; a manufacturer who worked up the finished product and a trader who disposed of his goods directly to the consumer; a capitalist who provided tools and a small store of capital, and an entrepreneur who sometimes supplied also the material or even anticipated the demand of the market. The gild system worked well, because in the earlier stages of its development there was little occasion for extreme antagonism between the employer of labour and the wage-earner. Capital, as we have seen, did not play in mediaeval industry the predominant part which it does at the present day, and the journeyman had reasonable prospects of achieving his independence. There were no permanent classes of employers and employees, the one rigidly divided from the other by an almost impassable barrier of wealth and social status. These conditions facilitated the harmonious co-operation of the different groups engaged in production, and rendered possible the efficient working of the gild system. It is true that the control of the gild would rest primarily with the masters, but the interests of neither apprentices nor journeymen were neglected. An apprentice who suffered ill-treatment could appeal for redress to the authorities of the gild[1], and an employer who withheld his servant's wages beyond the appointed day of payment was either suspended from his craft or otherwise punished[2]. Moreover, wages were determined not by the individual master, but by the authority of the gild[3]. The obvious drawback to this practice no doubt was that wages might tend to become stereotyped and remain fixed at the appointed maximum; on the other hand, it prevented a master from exploiting his men by paying them less than the customary minimum. Again, whenever strife or discord broke out between master and man the wardens of the craft were called in to arbitrate

[1] *Supra*, p. 281.

[2] Riley, *Memorials*, 307 (alien Weavers: 1362), 514 (Founders: 1389); Young, *Barber Surgeons of London*, 175 (1556); Lambert, *Two Thousand Years of Gild Life*, 216 (Glovers: 1499), 237 (Tailors: 1465).

[3] *Supra*, p. 300.

between them. If a servant refused to obey their ruling, he was not to be employed until he made submission; while if the master were "found in default", he was to be punished "after the discretion of the wardens and twelve councillors or the more part of them" [1].

Functions. (5) Apart from differences in the constitution of the two bodies, there is a striking difference in their functions. The trade union is concerned with the interests of the workers, and not those of the public as such. It has been defined by the historians of Trade Unionism as "a continuous association of wage-earners for the purpose of maintaining or improving the conditions of their employment" [2]. Trade unions are thus at present primarily fighting organizations, though in some cases they are beginning to display a growing sense of responsibility for the work done by their members. The craft gild, on the other hand, showed care not only for the manufacturer but for the customer, reconciling so far as possible the interests of producer and consumer, and insisting on sound workmanship, good quality and a just price reasonable alike to buyer and seller. In order to ensure an adequate standard of materials and technical skill, the wardens of the gild enforced apprenticeship, attested the competence of strangers and carried out a rigorous system of search. Of the other functions served by the craft gilds, religious, educational and the like, we have already spoken.

Semi-public bodies. (6) Lastly, the craft gilds were semi-public bodies, subordinate but integral parts of municipal administration. At the same time they were in theory and largely in practice under the control of town authorities, and their efforts to emancipate themselves from this control were severely checked. Occasionally also the gilds were employed as agents of national supervision. We have seen how many London companies were vested with rights of search at all the fairs throughout the country [3], and as early as 1300 the wardens of the Goldsmiths were empowered by statute to make search among their craft [4]. In the latter half of the

[1] *Lond. and Midd. Archæol. Soc.* iv. 43.
[2] Webb, *Trade Unionism*, I.
[3] *Supra*, pp. 228-229.
[4] *Statutes*, i. 141.

fifteenth century the craft gilds in all parts of the country became the recognized channels through which the central executive carried out some, at any rate, of its economic functions; and they were entrusted with duties afterwards assigned to justices of the peace. Thus, in the well-known act of 1463 "the masters or wardens for the time being of every craft or mistery in every city, borough, town and village", were given authority to search for wares imported into this country by aliens[1]. The following year elaborate regulations were laid down as to the size of cloth, and the rulers of the gild were made responsible for their execution[2]. In this way the position of the craft gilds was fortified by state recognition, and their dignity, prestige and strength were proportionately enhanced.

The yeomen gilds.

The first sign of the disintegration of the old gild system was marked by the appearance of the yeomen or journeymen gilds, which were associations of wage-earners formed within the craft gild, but maintaining a separate and where possible an independent existence. This combination of hired workers in revolt against their employers was a symptom that the harmonious relations between masters and men were breaking down under the stress of industrial competition and the pressure of new economic forces. The ultimate reason for the rise of the yeomen gilds lies in the fact that the journeymen were sinking into the position of permanent wage-earners, and found their prospects of economic advancement rendered increasingly difficult with the growth of population and the gradual development of a capitalist system of industry. The small master recruited from the ranks of the journeymen did not indeed disappear, and in many handicrafts was well able to hold his own until the Industrial Revolution achieved the final triumph of the capitalist employer. But in the fifteenth and sixteenth centuries a permanent class of wage-earners began to emerge among men who had "sufficient cunning and understanding in the occupation and exercise of their craft", but lacked

[1] *Statutes*, ii. 397. For the act empowering coverlet-makers of York to make search throughout the county; *infra*, p. 441.

[2] *Ibid.* ii. 406.

the means to "occupy the craft to their own proper use, increase and advantage"[1]. It is true, again, that the more enterprising journeymen were constantly being absorbed into the lower grades of mastership—and this largely explains the weakness of the movement as a whole—but the greater number among them were condemned to remain outside the ranks of the employing class. The interest of gild development in the later Middle Ages largely centres round this new grouping of industrial forces, and the consequent struggle which ensued between the different elements in the craft gild. It is the purpose of the present section to trace (1) the causes to which the yeomen gilds owed their rise, and (2) the reasons for their failure to establish a stable and permanent organization among the hired workers.

Labour disputes over wages

One chief source of contention, as we may readily imagine, was the labour question, and disputes over conditions of employment, whether in respect of wages or hours, figured prominently in all controversies between masters and men. The employers alleged that the journeymen extorted excessive wages and refused to work at the customary rates of pay. These complaints became frequent after the Black Death, and the demand of the workmen for higher wages coincided with the rise in the cost of living, though it was partly inspired by a desire to share in the material prosperity of the agricultural labourers. The Cobblers of Bristol complained in 1364 that they were "now well-nigh impoverished by the excessive price of their servants of the aforesaid craft, who are loath to be attendant to the said craft unless they have too outrageous and excessive salary, contrary to the Statute" of Labourers[2]. In different parts of the country artisans were fined for alleged extortion[3]; indeed, it has hardly been sufficiently recognized that the problems which confronted the employers of rural labour after the social upheaval of the fourteenth century had their exact counterpart within the towns. The attempts of parliament to check the rise of wages were seconded by the gilds in the

[1] *Hist. MSS. Comm.* 14th Rep. App. viii. 135.

[2] *Little Red Book of Bristol*, ii. 42.

[3] Wallingford, 1370: *Hist. MSS. Comm.* 6th Rep. App. 581. Yorkshire, 1372: *Vict. County Hist. Yorkshire*, ii. 408.

industrial sphere. The ordinances of the gilds of York in particular disclose a repeated effort to keep down wages, and the masters were forbidden under the penalty of fines to give higher remuneration than allowed by statute. This tendency to prevent the advance of wages was widespread [1]; and the journeymen gilds were accordingly regarded by the masters as nothing less than confederacies to raise wages. In 1441 the London Bakers asserted that their servants had a brotherhood and livery, and were demanding higher wages "than they were wont to have of old time" [2]. Again at York the masters complained that, while they were willing to pay their workmen "according to established custom and ancient rule", the latter formed unlawful confederacies expressly for the purpose of fixing wages [3]. That the opposition to the yeoman gilds was inspired primarily by the conviction that they were intended to raise wages is shown by an ordinance at Coventry (1518), which ordered the masons to form no fellowship "and to take such wages as is limited them by the statutes" [4]. In determining the merits of these disputes between masters and men, it is often difficult to discover whether the trouble over wages arose from the refusal of the journeymen to serve at the old rates, or from the attempts of the masters to compel their men to accept less than the usual rates. Two instances are recorded at London, where the journeymen sought to raise their wages and the masters were compelled to accede to their demands. According to a statement made by the Shearmen in 1350, they were wont to employ their workmen at these rates in addition to their board: Christmas to Easter, threepence per day; Easter to the feast of St. John (June 24), fourpence; St. John to the feast of St. Bartholomew (August 24), threepence; St. Bartholomew to Christmas, fourpence. But the men now were no longer willing to work except by the piece, "and then do so greatly hurry over the same that they do

[1] *York Memorandum Book*, i. 73, 107; *Little Red Book of Bristol*, ii. 76. The statement in Petit-Dutaillis, *Studies Supplementary to Stubbs* (1914), ii. 268-269, that "as a rule masters and workmen had the same interests", and that the demand for higher wages would not occasion trouble between them, is not borne out by the evidence of craft ordinances.

[2] *Letter Book K*, 263. [3] *York Memorandum Book*, i. 190 (*c.* 1430).

[4] *Coventry Leet Book*, iii. 653.

great damage to the folks to whom such cloths belong; by reason whereof the masters in the said trade have great blame and abuse, and take less than they were wont to do". The masters therefore petitioned that their servants should work "according to the ancient usage", and rest content with the wages they formerly received[1]. On another occasion (1396) the Saddlers complained that their journeymen had raised wages so high, that whereas at one time the masters could hire serving-men for forty shillings or for five marks a year and their board, now they were required to pay ten or twelve marks or even ten pounds a year[2]. On the other hand, when the grievances of the Weavers of Coventry were submitted to arbitration in 1424, the decision was given that the serving-men were to "have the third part of the payment for weaving . . . *as they used to have*"[3]. This may mean that the journeymen had been striking for higher wages and had failed in their efforts, but it is possible that they successfully resisted an attempt on the part of their masters to lower their wages. A clearer instance is that of Chester where the company of Wrights and Slaters oppressed their workmen, paying them "such wages they be not able to live on". They were therefore ordered "to give from time to time such wages as shall be appointed by the mayor"[4]. We have here unmistakable evidence that the masters themselves were not unready to utilize their opportunities in their own interests.

and hours. Disputes over the hours of labour can be illustrated from the ordinances of the Cappers of Coventry. In 1496 they appointed a twelve-hours' day, fixing the time between six o'clock in the morning and six at night, and they also made compulsory an eight-days' notice. In 1520 they lengthened the working hours from 6 A.M. to 7 P.M. in winter and from 5 A.M. to 7 P.M. in summer, while the serving-man was now required to give fourteen days' notice. This extension of the working day met with opposition from the journeymen, and in 1526 they were admonished to "keep their hours

[1] Riley, *Memorials*, 251.
[2] *Ibid.* 542.
[3] *Coventry Leet Book*, i. 94.
[4] Morris, *Chester*, 436 (1590); G. Unwin, *Industrial Organization* (1904), 66.

and times in being at their work", the masters being allowed to reduce their wages "according to the time of their absence" [1]. The series of enactments is instructive because it enables us to trace the sequence of cause and effect; it shows that the masters in raising the hours of labour were themselves pursuing an aggressive policy. If the ordinance of 1526 alone had survived it would have inclined us to suppose that the journeymen were using their organization to bring about a reduction of their hours of working, and not, as was actually the case, simply to prevent their increase. We must not, therefore, readily assume that the journeymen gilds were invariably on the offensive; it is clear that they were called into existence as much by the fear of economic degradation as by the hope of economic advancement.

Restriction of competition.

Another source of friction lay in the jealousy with which the masters of the fifteenth and sixteenth centuries viewed the potential rivalry of their journeymen. Their anxiety to limit the field of competition led them to adopt measures which were injurious to the interests of their hired workers, whose prospects of independence were materially impaired. Accordingly a struggle began, in which the masters strove to keep the control of industry in their own hands, and the wage-earners sought to challenge their monopoly and set up as independent producers. The Leathersellers of London complained in 1482 that, when apprentices had served their term, they refused to become servants of their masters "for reasonable wages as their masters did before them", but took apprentices and a house or shop [2]. In order to check the practice, the gild compelled the masters to pay a fine of five shillings for every apprentice in their employment. Another method of restricting competition was by exacting a promise from apprentices that they would not become masters, or by extorting heavy fees for admission to the freedom of the city, without which no one could legally carry on his business [3]. Journeymen were forbidden to keep servants or apprentices [4], to work for any one save their

[1] *Coventry Leet Book*, ii. 574 (1496); iii. 673 (1520); iii. 693 (1526).

[2] Black, *Leathersellers' Company*, 39.

[3] *Infra*, p. 366. Cf. also the compulsory interval of three years: *supra*, p. 293.

[4] Fox, *Merchant Taylors of Bristol*, 33, 49 (1401).

masters [1], or to undertake private work in secret or by night "for their own profit" [2]; and they were prohibited from working part of the week for a master and the rest of the time on their own account [3]. The Cappers of Coventry (1496) inhibited their journeymen from making caps of their own, or for any one except their masters. The men, however, refused to comply with the restriction, and in 1520 the prohibition was repeated that they should not compete with their masters or work caps in their own houses. So resolute were the masters to exclude all rivalry and keep their trade to themselves, that they agreed to boycott spinners who worked for journeymen, and not to employ journeymen who made their own caps in defiance of the ordinance [4].

Other causes of strife.

Other causes of strife appeared from time to time, for where the clash of interests was inevitable occasions for dispute were never wanting. The journeymen complained of the disproportionate increase in the numbers of apprentices, which diminished their own opportunities of gaining a livelihood or accumulating sufficient capital to set up on their own. One of the terms of the agreement concluded between the masters and journeymen of the Coventry Weavers in 1424 was that every master should have free licence to employ as many apprentices as he pleased without challenge; it is evident that trouble had arisen over the number of the apprentices, in which the journeymen were now beaten. On their side the masters alleged that journeymen were unruly, difficult to control, and reluctant to show due respect to their authority [5]. One specific charge levied at the journeymen was that they absented themselves without leave from their work, "deporting themselves in the streets for two or three days a week" [6], or left their service without "reasonable warning given to the master" [7]. The Shoemakers of Norwich (1490) complained

[1] *Red Paper Book of Colchester*, 24 (*temp.* Hen. VIII.).
[2] Fox, *op. cit.* 62; *York Memorandum Book*, i. 89, 182.
[3] *Ibid.* i. 48 (late fourteenth century).
[4] *Coventry Leet Book*, ii. 573 (1496); iii. 672-673 (1520).
[5] Cf. *Records of Northampton*, i. 272.
[6] *Little Red Book of Bristol*, ii. 107 (1408).
[7] Lambert, *Two Thousand Years of Gild Life*, 239 (1465).

that their journeymen were greatly disposed to idleness and rioting, and "diverse days weekly . . . leave their bodily labour till a great part of the week be almost so expended and wasted" [1]. The utter disintegration of gild authority among the London Barbers (1556) is portrayed in the picture drawn of the journeyman who refused to keep his master's house all the week-day, "by reason whereof he doth lose his customers", and who "goeth out at his pleasure and cometh in at his will again without asking of any leave of his master" [2]. It was also said that the journeymen indulged in drinking and became unfit for their work. The London Bakers complained in 1441 that the servants of their craft had "a revelling hall and a drinking there by the which many of them be not able to do no good work a day after, whereby the householders be greatly hindered of their work" [3]. From these mutual recriminations on the part of masters and men one clear fact emerges: the gild system was beginning to work badly because it no longer answered to the needs of the time. The internal relations of the craft gild were harmonious so long as the interests of the different elements, of which it was composed, coincided. But the expansion of industry had disturbed these relations, and in the effort to reconcile them a new adjustment of forces became necessary.

Relations between the yeomen gilds and the craft gilds.

It is scarcely profitable to attempt any generalizations as to the relation of the journeymen societies to the craft gilds, and as to the position assigned to the journeymen within the craft itself, in view of the meagre nature of our evidence. It is clear, however, that the difficulty created by the existence of two separate and largely rival organizations would tend primarily to be one of finance. The masters endeavoured to control the funds of their subordinates and devote them to their own religious purposes. This became the dominant issue over which the struggle was fought, involving as it did the very independence of the yeomanry itself. At Oxford the master Shoemakers kept the funds of the journeymen in their own hands. The journeymen

[1] *Records of Norwich*, ii. 104.
[2] Young, *Barber Surgeons*, 175.
[3] *Letter Book K*, 263.

objected to this arrangement, and after much "strife, debates and controversies" the control of the common box was vested in the bailiffs of the town[1]. As a rule financial disputes turned over the maintenance of lights and torches upon the altars of saints. At Hereford, where trouble arose over this matter, the journeymen Shoemakers complained that the wardens withheld their accounts[2]. Again, at Bristol "divers debates and variances" were occasioned between the masters and journeymen of the Cordwainers as to the finding of torches; and it was settled that the serving-men should maintain their own lights, collecting money among themselves for the purpose[3]. At Coventry the journeymen Weavers were required to pay twelvepence to the chief master for every brother admitted into their fraternity[4], and at Exeter the journeymen Tailors had to contribute to the maintenance of lights and a priest[5]. Our fullest knowledge of the controversy is derived from the records of Northampton. Every master "at his entry into the livery of the masters" paid eightpence towards the maintenance of the torches, and every journeyman "at his entry into the livery of the journeymen" paid fourpence. "And forasmuch as the masters and journeymen have stood in variance before this time whether the said money should be paid to the sustenance of the masters' torches or of the journeymen's torches, now therefore the said masters and journeymen by their common assent be accorded and agreed in this wise for evermore, that all the said money shall be put in common as well to the sustenance of the torches of the masters as to the torches of the journeymen without any severance"[6]. A further question arises as to how far the journeymen had any voice in the control of the gild and the election of wardens. There was undoubtedly a growing tendency for the control of the gild to pass into a few hands; and the domination of an oligarchy meant the exclusion of the journeymen from any share in the direction or administra-

[1] *Records of Oxford*, 7 (1512).
[2] *Hist. MSS. Comm.* 13th Rep. App. iv. 304 (early sixteenth century).
[3] *Little Red Book of Bristol*, ii. 151 (1453).
[4] *Coventry Leet Book*, i. 93.
[5] Smith, *English Gilds*, 324.
[6] *Records of Northampton*, i. 393.

tion of affairs. This must have been resented by the journeymen, and it constituted an additional source of friction. The Weavers of Hull denied their serving-men a voice in the election of their aldermen or other officers[1]. In London the journeymen Weavers complained in 1444 to the Court of Aldermen that they had been accustomed to elect wardens of the mistery, but that the masters had the last six years claimed that the election belonged to them; their contention, however, failed to win support and judgment was given against them[2]. Again, in 1466, disputes arose among the London Butchers over the election of wardens and a verdict was recorded on behalf of the livery[3]. But at Beverley the "journeymen brethren" of the Weavers' gild were allowed to vote[4], while among the Cordwainers of Exeter the journeymen were directly represented in office, since the Cordwainers appointed their wardens half from shopkeepers and half from journeymen[5]. It was not always the case, therefore, that journeymen were devoid of all share in the craft gild or were without "voice in its proceedings"[6], but the tendency would be more and more to restrict their right of interference in the government of the gild.

Constitution of the yeomen gilds.

The journeymen gilds were often formed under colour of a religious pretext, and the influence of the friars was a noticeable factor in their formation[7]. In 1417 the yeomen Tailors sought permission to meet once a year for religious purposes, but the petition was refused, "although it is sought and prayed for under a pious pretext of goodness", on the ground that it might lead to disturbances[8]. We get occasional glimpses of the constitution of the yeomen gilds, from which it is evident that they were organized on the model of the

1 Lambert, *Two Thousand Years of Gild Life*, 205 (1490).
2 *Letter Book K*, 290. 3 *Letter Book L*, 67.
4 *Hist. MSS. Comm. Beverley*, 95 (1496).
5 Smith, *English Gilds*, 332 (1482).
6 Webb, *Trade Unionism*, 7, would regard the journeymen as having no "voice in the proceedings".
7 For the London Cordwainers, see *infra*, p. 357. Another example appears to be that of the York Cordwainers whose journeymen met "at the Friar Preachers": *York Memorandum Book*, i. 190.
8 *Letter Book I*, 187. Clode, *Memorials of the Merchant Taylors*, 516. For Coventry and the St. Anne fraternity, see *infra*, p. 358.

craft gilds, having their own officials and a common purse. In 1429 the servants of the Cordwainers of Bristol had a craft, comprising those "who for their services take wages from their masters"; they were ruled by their own wardens and surveyors, and made ordinances which they submitted to the mayor for ratification. This separate organization was apparently of recent growth, for a few years before (1408), the wardens of the Cordwainers had been ordered to survey defaults "as well on the part of the masters as on the part of the yeomen of the same craft"; while now in 1429 each class was governed by its own officials [1]. The yeomen Shoemakers of Oxford, the yeomen Tailors of Bristol, the yeomen Weavers of Coventry and Northampton, the yeomen Blacksmiths of London, had also their own wardens [2]; while many even wore a common livery or clothing [3]. At Exeter, on the other hand, the masters and journeymen of the Cordwainers apparently amalgamated their unions since, as was stated above, they were controlled by four wardens of whom two were chosen from the former and two from the latter.

The policy of repression: (i.) At London.

There is abundant evidence that the journeymen gilds were a widespread institution in the fifteenth century. As we have shown, there are traces of their existence in London, Bristol, York, Coventry, Hull, Northampton, Exeter, Hereford, Oxford and Beverley, among other towns; and there are ample indications also of the long conflict between the journeymen gilds and the masters. London, where they appear as early as 1303, adopted from the outset a policy of repression. In that year, "servant workmen in cordwainery or others" were forbidden to hold any meetings to make provisions which were to the prejudice of the trade or the detriment of the people, under penalty of imprisonment [4]. In 1383 the prohibition was renewed in a proclama-

[1] *Little Red Book*, ii. 103 (1408); 147 (1429).

[2] (i.) Oxford: *Records*, 8 (1512). (ii.) Bristol: Fox, *Merchant Taylors*, 38 (1570). (iii.) Coventry: *Leet Book*, i. 93 (1424). (iv.) Northampton: *Records*, i. 269 (1432). (v.) London: *Lond. and Midd. Archæol. Soc.* iv. 33 (1434).

[3] *Letter Book K*, 263 (London Bakers: 1441). Other examples are the yeomanry of the London Blacksmiths and the Northampton Weavers: see last note.

[4] Riley, *Liber Custumarum*, i. 84.

tion against the holding of "congregations, conventicles and assemblies" without leave of the mayor[1]. Four years later the journeymen Cordwainers were attached for forming an illegal assembly in defiance of this proclamation. They confessed their guilt and asserted that a friar, William Bartone, had agreed for a sum of money contributed by them to make suit at the court of Rome for papal confirmation of their fraternity, so that no man should dare to interfere with them[2]. In 1396 the Saddlers alleged that the serving-men of their mistery, called "yeomen", were accustomed once a year to array themselves in like garb, that is, wear a livery, and to hold meetings to the great prejudice of the craft. The journeymen replied that they met only to hear mass, but the masters declared that under a feigned colour of sanctity the journeymen formed "covins" to raise their wages greatly in excess[3]. The civic authorities ordered that they should submit to the rule and government of the masters of the mistery "as in other misteries", and form no fraternity; but that if they suffered any grievance at the hands of their masters they should complain to the mayor. In the following century (1415) the journeymen Tailors, who are spoken of as "young and unstable people", were now accused of consorting together in various dwelling-houses against their masters' wishes and behaving in an unruly manner, and again it was ordained that they should be subject to the rule and governance of the masters and wardens, and cease to wear a livery or live together[4]. Shortly afterwards (1417) they sought to get the injunction rescinded; but the religious pretext, which they advanced, failed to achieve its purpose[5]. London continued even later to set its face resolutely against the formation of journeymen gilds. In 1441 the Bakers denounced "the brotherhood and clothing" of their serving-men, who in reply pointed out that the masters had themselves been members of the

[1] *Letter Book H*, 226; Riley, *Memorials*, 480.
[2] *Letter Book H*, 311; *Memorials*, 495.
[3] *Letter Book H*, 431-432; *Memorials*, 542.
[4] *Letter Book I*, 136; *Memorials*, 609; Clode, *Memorials of the Merchant Taylors*, 514.
[5] *Letter Book I*, 187; *Memorials*, 653; Clode, *op. cit.* 516.

brotherhood during their term of servitude. But the mayor and aldermen decreed that they should discard their livery and be under the rule of their masters; they were opposed to private fraternities established "under colour of piety or other fiction"[1].

(ii.) *At Coventry*

At Coventry we can trace a similar struggle with the journeymen gilds, in which the authorities used their utmost endeavour to crush them completely out of existence. They secured a royal mandate suppressing the brotherhood of St. Anne formed by journeymen, but in 1406 and 1414 it was again necessary to renew the injunction, while in 1424 the gild was organized under a different name[2]. This persistence of the journeymen serves to illustrate the vitality and strength of the movement. The hostility of the masters to the yeomen gilds was protracted into the sixteenth century. In 1518 the daubers and rough masons were forbidden to form a craft or fellowship[3], and at the same time a general injunction was laid upon the journeymen of all occupations and crafts, forbidding them to make "any cave or bye-law or assembly" without licence of the mayor and the master of the craft[4]. In 1524 the attempt to suppress the journeymen gilds was for the moment abandoned, and efforts were made instead to place them under municipal control, the journeymen of the various crafts being enjoined to bring in their rules to the mayor[5]. However, in 1528, there was a return to the old policy of repression when journeymen Dyers were ordered "to be servants and not a craft or fellowship", and their assemblies were disallowed[6]. The prohibition was made general a few years later (1549) in the ordinance that "no journeymen shall assemble or keep any quarterages", that is, form an organization and institute a common fund[7]. These strenuous efforts on the part of the municipal bodies to check combinations among the hired workers, when formed to raise wages and to reduce the hours of labour, were

[1] *Letter Book K*, 263-266.

[2] Rymer, ix. 117; *Hist. MSS. Comm.* 15th Rep. App. x. 117-118; Harris, *Old English Town*, 276 (*n.* 2); *Coventry Leet Book*, iv. p. xxxiii.

[3] *Coventry Leet Book*, iii. 653. [4] *Ibid.* iii. 656.

[5] *Ibid.* iii. 687. [6] *Ibid.* iii. 694. [7] *Ibid.* iii. 792.

seconded by the central authorities. An act of parliament in 1548 forbade workmen to establish unions to improve the conditions of labour. It recited that artificers "have made confederacies and promises and have sworn mutual oaths, not only that they should not meddle one with another's work and perform and finish that another hath begun, but also to constitute and appoint how much work they should do in a day and what hours and times they shall work, contrary to the laws and statutes of this realm". This measure anticipated the Combination Acts of the eighteenth century, and severe penalties were imposed upon those who associated together to "do their works but at a certain price and rate". The first offence was to be punished by a fine of ten pounds or imprisonment, the second by twenty pounds or the pillory, and the third by forty pounds or the pillory and the loss of an ear [1]. (iii.) *Legislation.*

The masters, however, did not everywhere adopt this unyielding attitude. In some towns a spirit of compromise seems to have prevailed, and here efforts were made to allay discontent and arrive at a peaceful settlement of the grievances on both sides. The agreement between the masters and journeymen of the Weavers of Northampton recites that many "unfitting contests and debates, misrule and ungodly governance, hath long time reigned in the craft". It proceeds to state the terms of the compromise, and adds that both were to join in a yearly procession to offer up lights before the altar of their patron saint, and afterwards to have "their customary drinking and communication [2] together as of old"; there were to be no further "confederacy, conventicle nor gathering" among the members of the craft, in order to avoid disturbance of the peace. There is an instance at Coventry of the settlement of a dispute in 1424 by arbitration, but the terms appear to have been in the masters' favour and to the disadvantage of the journey- *Compromise.*

[1] *Statutes*, iv. part i. 58. The statement that "no English statutes were called forth by the proceedings" of the journeyman gilds (Ashley, *Economic History*, ii. 124) needs to be modified. The authorities at Coventry in prohibiting journeymen gilds in 1549 relied upon Edward VI.'s statute: *Leet Book*, iii. 792.

[2] *Records of Northampton*, i. 268 *seq.*

men[1]. At Oxford also the controversy among the Shoemakers was submitted to arbitration[2].

Strikes. The instrument to which the yeomen gilds had most common recourse, in order to defend their economic interests and bring pressure to bear upon the masters, was the strike. There are examples in the fourteenth century of strikes which present a remarkable parallel to "the sympathetic strikes" of our own day. If any dispute arose among the Shearmen of London between master and man, all his fellow-workers within the city, according to the allegation of the masters (1350), were wont to enter into a conspiracy "that no one among them should work or serve his own master until the said master, his servant, or man, had come to an agreement; by reason whereof the masters in the said trade have been in great trouble and the people left unserved"[3]. The alien Weavers of London lodged a similar complaint in 1362 of the spirit which prevailed among their workfolk[4]. Non-union men were roughly handled, and in 1387 a journeyman cordwainer who refused to join the London union was assaulted with such violence "that he hardly escaped with his life"[5]. But the masters also made common cause among themselves and rallied to each other's support in the struggle with refractory journeymen. The ordinances of the London Founders (1389) contained a provision that, if any master and man were at variance through any misunderstanding between them, the man was not to be employed by any other master until the dispute had been settled[6]. The Brasiers (1416) adopted a like attitude, and ordered that if a journeyman were involved in a quarrel with his master he was to be refused employment by other masters in the trade[7]. These

[1] See *supra*, p. 286. For an alternative view, see Harris, *Old English Town*, 271; *Leet Book*, iv. p. xxxiii; and Unwin, *Industrial Organization*, 54. The removal of restrictions upon the number of apprentices could not have been to the interest of the journeymen.

[2] *Records of Oxford*, 7. The London Blacksmiths in 1434 recognized their journeymen's gild: *Lond. and Midd. Archæol. Soc.* iv. 32 *seq.* Friendly relations were established (1602) between the Weavers of Gloucester and their journeymen, and the latter could "in quiet and orderly sort at any time hereafter congregate and meet together": *Hist. MSS. Comm.* 12th Rep. App. ix. 416. [3] Riley, *Memorials*, 247.

[4] *Ibid.* 307. [5] *Ibid.* 495. [6] *Ibid.* 514.

[7] *Ibid.* 626. Similarly the Fullers of Bristol: *Little Red Book*, ii. 13 (1346).

methods were at any rate peaceful, but at Chester the bitterness grew so intense, that on one occasion (1358) the master Weavers made an assault upon their journeymen "with pole-axes, baslards and iron-pointed poles"[1].

Changes in the character of the later yeomen gilds.

When we turn from the yeomen gilds of the fourteenth, fifteenth and first half of the sixteenth centuries to those of the Elizabethan and Stuart age, we are at once impressed by a striking transformation in their character and position. In the earlier period they were independent organizations, composed of hired workers in revolt against their masters and proscribed by the municipality. In the later period they had won legal recognition but at the price of their independence, and their constitution was now entirely changed. We have already seen how strenuously in the early part of the fifteenth century the London Tailors resisted the formation of a fraternity among their journeymen. But in 1578 the yeomen Tailors not only had their own organization with executive officers (warden substitutes) and a council of assistants, but, more important still, this separate establishment is said to have originated in the express desire of the governing body of the craft "to make business more easy to them"—by constituting inferior officers to collect dues and take note of irregularities and abuses[2]. Again the yeomanry of the Pewterers' Company, as we learn from their accounts which begin in 1495, were governed by three wardens who were members of the livery and were chosen by the livery; the yeomanry had also to attend the masters' mass, a further sign of their dependency and subordination[3]. The yeomanry of the Ironmongers' Company of London were at an early date in complete subjection to the livery, as we may gather from their petition in 1497: "Under your suffrage and correction it shall please your good masterships all to grant unto us, the yeomanry of this your worshipful fellowship of this craft of Ironmongers, the petitions hereafter following at our instance and in the way of charity"[4]. There

[1] Morris, *Chester*, 405-408.
[2] Clode, *Memorials of the Merchant Taylors*, 24, 561.
[3] Welch, *Pewterers' Company*, i. 80-81.
[4] Nicholl, *Ironmongers' Company*, 50.

seems no question that the position of the yeomanry underwent a most important change, at any rate in the later sixteenth and seventeenth centuries. They became a definitely constituted organ of the craft, but in strict subordination to the governing body. Their officials were governed by the livery court of assistants; their funds were no longer in their own control, and they were now reduced to fulfil purely administrative functions. They survived as a separate organization because they now served the interests of the authorities, whose task of ruling the craft they lightened by gathering in the contributions of their members and supervising their work. The explanation of the change appears to lie in the fact that the position of the yeomen had materially altered with the growth of a permanent class of hired workers, debarred from all prospects of obtaining independence as masters; the journeymen ceased, as hitherto, to be unmarried men residing with their masters, but settled down as householders and lived apart [1]. We get a glimpse of the process which transformed their status in the injunction of the Coventry Leet in 1435, that the journeymen cardwire-drawers and girdlemen were to work in their own houses and not in their masters' houses [2]. Moreover, where payment was made by piece-work instead of by a time-wage the change would be facilitated. In the Weavers' dispute at Coventry in 1424 the journeymen were assigned "the third part of the payment for weaving cloth". There is no reason, however, to regard this as in any way an innovation [3]; and at Bristol also, as early as 1390, it is described as the *customary* method of payment among journeymen weavers. The journeyman weaver was to receive "the third part of the cloth as has been customary before this time" [4]. Again at York the skinners and bowers were paid by the piece [5]. Ultimately the result

[1] Webb, *Trade Unionism*, 4 (*n.* 1); Unwin, *Industrial Organization*, 52; Unwin, *Gilds of London*, 224-225.

[2] *Coventry Leet Book*, i. 183.

[3] Professor Unwin (*Industrial Organization*, 53-54) would apparently regard this stipulation as to payment by piece-work as opening up a new development; but the wording of the clause is: "as they used to have" (*Coventry Leet Book*, i. 94).

[4] *Little Red Book of Bristol*, ii. 59.

[5] *York Memorandum Book*, i. 65, 199.

of the change was to convert the journeyman to all intents and purposes into a small master. He differed fundamentally from the master craftsman of the older gild system in that he was no longer brought into direct contact with the consumer, and ceased to have control over the disposal of his wares. Between him and the public was now interposed the large master or the trader who furnished the raw material, received back the finished product, and undertook all responsibility for its sale. This was an inevitable result of the widening of the market and the expansion of industry. If it involved a loss of independence to the master craftsman, it was a gain to the journeyman. We can readily understand, therefore, how in the constitution of the later company the yeomanry, composed primarily of small masters, were assigned a definite, if subordinate, place. The transitional stage of development in which the journeymen struggled to secure a safe economic footing was at an end, and with it passed away the disturbance and unrest which mark all periods of transition.

Comparison of yeomen gilds and trade unions.

With the changes by which the master craftsman of the gild system was transformed into the small master of the domestic system, we shall deal later. But at this point we may conveniently turn back to inquire how far the journeymen gilds can be compared with trade unions. It is clear that there is a very striking similarity: unlike the craft gilds, the journeymen gilds comprised only the class of wage-earners banded together in defiance of their employers, and their efforts to secure an improvement of their economic position make the parallel to trade unionism still more evident. The vital difference lies in the fact that the journeymen failed to establish a stable and permanent organization. To some extent their failure is accounted for by the repressive policy adopted towards them both by the municipality and the state. But a more important reason is that, while it was becoming increasingly difficult for the hired workers as a body to achieve independence and mastership, yet the way was always open to the more enterprising among them to do so. So long as it was possible for a certain number of journeymen to become masters, a

permanent and efficient association was out of question. The leaders of the journeymen with greater intelligence and capacity than their fellows would constantly be absorbed into the higher grades of the fellowship [1]. When, moreover, a transformation took place in the character and constitution of the yeomen gild, when it came to consist mainly of small masters—or even men of substance serving their period of probation before admission into the livery—and when, above all, it came to be controlled from above by the livery, then all resemblance to trade unions entirely ceased. Throughout the eighteenth century occasional combinations were formed among artisans, but it was not till the Industrial Revolution decided the final victory of industrial capitalism, taking away from the worker his economic independence, divorcing him from the soil, and depriving him of other sources of livelihood in times of industrial distress, that trade unionism at length attained coherence and assumed a permanent and stable form of organization.

Weakening of the gild system: (i.) decay of the pageant.

Within the craft gild itself disintegrating influences were always tending to undermine the authority of the governing body, and to weaken the bonds which bound the craftsmen together. At Bristol, for example, the Cordwainers confessed in 1438 that they had ceased to appoint wardens according to their old ordinances, and were therefore in evil plight [2]. The indifference of the members led them to abstain from attending meetings of the assembly, "touching the weal and worship of the city and craft" [3]. Fines were imposed to no purpose, and the election of officers and the control of affairs passed into the hands of a small body. The growth of an oligarchy, due ultimately to differences of economic status, was thus facilitated by the abstention of

[1] An excellent parallel is pointed out in Webb, *Trade Unionism*, 6-7. The "piecers" of Lancashire "are employed and paid by the operative cotton spinners under whom they work. . . . Attempts to form an independent organization have invariably failed. The energetic and competent piecer is always looking forward to becoming a spinner, interested rather in reducing than in raising piecers' wages. The leaders of any incipient movement fall away on becoming employers".

[2] *Little Red Book of Bristol*, ii. 168.

[3] The frequency of ordinances on this point shows its importance: *ibid.* ii. 145; *York Memorandum Book*, i. 69; Smith, *English Gilds*, 336.

members and their reluctance[1] to undertake office. The weakening of the gild system was shown also in the decline of the pageant, which had served an important purpose as the outward symbol of the religious and social life of the fraternity. The gild pageantry was discontinued because members would not support its charges; and throughout the fifteenth century complaints were renewed again and again. As early as 1390 it was "ordered by the whole community" at Beverley, that all craftsmen of the town should have their plays and pageants on every Corpus Christi Day "in the fashion and form of the ancient custom of the town of Beverley", under penalty of fine for those who infringed the ordinance[2]. At Bristol in 1419 the Weavers enjoined all masters and servants to attend processions under penalty of fines, and to contribute to the costs and expenses of maintaining lights on altars[3]. A few years later (1439), the craft of Hoopers showed how "the said craft hath used afore this time for to have their light burning in the festival of Corpus Christi in the general procession", whereas now "divers persons" absented themselves from the common assembly held "for the good speed of the cause aforesaid"[4]. At Worcester (1467) the pageants were ordered to be "better and more certainly kept than they have been before this time"[5]; at Canterbury (1490) it was said "now of late days it hath been left and laid apart to the great hurt and decay of the city"[6]. In other towns also, the craft gilds were seeking to evade their obligations. The rulers of Coventry (1494) insisted that all crafts should contribute to the pageant, and complained that members no longer recognized their duty of submission to the authority of their gild[7].

Side by side with the waning loyalty of the gild-brethren to their obligations went an ever-increasing desire to extend

[1] *E.g.* Fox, *Merchant Taylors of Bristol*, 44. The early date (1401) should be noted.

[2] *Beverley Town Documents*, 33; apparently the ordinance was soon disregarded: *ibid.* 36.

[3] *Little Red Book of Bristol*, ii. 121. [4] *Ibid.* ii. 165.

[5] Smith, *English Gilds*, 385.

[6] *Hist. MSS. Comm.* 9th Rep. part i. App. 174.

[7] *Coventry Leet Book*, ii. 558.

(ii.) *Exclusiveness of the crafts.*

the privileges conferred upon them by their monopoly of trade. In their hands lay the control of industry, and the temptation was always present to their minds to abuse their trust. The regulations of the craft gild became oppressive, when its members utilized their position to advance their own interests and selfishly disregarded those of the community. The main charge brought against the craft gilds of the fourteenth and fifteenth centuries was that they endeavoured to exclude outsiders from their ranks by making their admission fees prohibitive. Among the Tanners of Gloucester, for example, certain families monopolized the trade, and the same names recur repeatedly in the list of masters[1]. The gilds deliberately sought to close up all avenues to mastership, in order to limit competition and keep their workmen in a condition of economic dependency. Accordingly they compelled an apprentice at his entry into the gild to pay thirty or even forty shillings, "after their own sinister minds and pleasure". A statute of 1531 reduced the fees of apprentices to two and sixpence[2], but the wardens tried to evade this by making apprentices swear that they would not set up as master craftsmen without their licence[3]. An ordinance at London in the reign of Edward III. had ordered apprentices who wished to become masters to pay sixty shillings or more, or remain apprentices and wage-earners, for fear lest "the number of masters should be unduly increased"[4]. It was afterwards said that this ordinance drove many to leave the city[5]. Every effort in fact was made to shut out strangers from sharing in the commercial and industrial life of the towns. At Coventry the Haberdashers and Butchers extracted from foreigners, who sought to carry on their trade, a fine of ten pounds; the Bakers four pounds; and other crafts in proportion[6]. At Chester the fees for admission of strangers to the freedom of the city were raised in 1557 from twenty-six and eightpence to "ten pounds at the least"[7]; and York pursued

[1] *Trans. Bristol and Glouc. Archæol. Soc.* xiii. 268.
[2] And 3s. 4d. at the end of their term: *Statutes*, iii. 321.
[3] *Ibid.* iii. 654 (1536).
[4] *Letter Book, G*, 180.
[5] *Ibid.* 212.
[6] *Vict. County Hist. Warwickshire*, ii. 153.
[7] Morris, *Chester*, 444.

a similar policy[1]. To prevent unfair competition on the part of those who sold inferior wares was a recognized principle of the gild system; to prevent fair competition by excluding rival craftsmen was to distort this principle. The folly of this short-sighted policy was exposed by the author of the *Discourse of the Common Weal*: "I have heard said in Venice, that most flourishing city in these days of all Europe, if they may hear of any cunning craftsman in any faculty, they will find the means to allure him to dwell in their city; for it is a wonder to see what a deal of money one good occupier doth bring into a town . . . but where other cities do allure unto them, our men will expel them out; as I have known good workmen, as well smiths as weavers, have come from strange parts to some cities within the realm, intending to set up their crafts, and because they were not free there, but specially because they were better workmen than was any in the town, they could not be suffered to work there. Such incorporation had those misteries in those towns that none might work there in their faculty, except they did compound with them first". Hales was willing that strangers should be required to take up the freedom of the city—otherwise no one would trouble to serve an apprenticeship—but an exception ought to be made "when a singular good workman in any mistery comes, which by his knowledge might both instruct them of the town, being of the same faculty, and also bring into the town much commodity beside"[2]. "Private liberties and privileges" should give place to the "public weal"; or in other words, the welfare of the city came before the franchises of the crafts.

Compulsory feasting.

In addition to the admission fees, whether imposed on apprentices or strangers from other towns, some crafts compelled new members to give a feast to the gild; in 1560 a cordwainer of Oxford was required to pay forty shillings for his admission, and "also he made the occupation a dinner at his admitting of his free and frank goodwill which came of himself, which cost him twenty-two shillings"[3].

[1] *Vict. County Hist. Yorkshire*, iii. 450.

[2] Lamond, *Discourse of the Common Weal*, 128-129.

[3] *Archæol. Journal*, vi. 268. In 1485 the admission fees were only 13s. 4d.: *ibid.* 268 (*n.* 7).

This liberality was probably compulsory, and the burdens of membership drove craftsmen to seek relief from the financial oppression of the gilds by flight from the towns, setting up in suburbs or country districts. In 1495 the rulers of Norwich framed an order curtailing the charges of the gild feasts[1], but the pernicious practice of excessive feasting was revived, and in 1531 it was said that "all the said city is sore decayed because the charges of the said gilds were of so great importance, that many of them that did bear the charges of such gilds could not after that recover the great losses that they sustained in making of the same. By occasion whereof many of them fled and daily went from the said city and inhabited themselves otherwhere for poverty. And many would have come to the same city if it were not for such costs and importune charges that might be laid upon them, which caused that many houses, habitations and dwellings within the same city stood empty and grew to ruin. And in conclusion the same city fell thereby to desolation, the service of God diminished, churches that were wont to be richly adorned ruined and fell down"[2]. The complaint was renewed at York as late as 1607 that the gilds refused to accept new members unless they paid "a great sum of money or make a breakfast, dinner or supper to the whole company, which hath been to the utter [undoing] of divers young men *who have had little store of money to set up their occupation* withal"[3].

Attempts to overcome the gild monopoly.

There are a few traces in other towns of a struggle on the part of the municipal authorities to break down the exclusiveness of the crafts. At Oxford in 1531 admission fees were reduced to twenty shillings, though the limit does not appear to have been observed for any length of time[4]. Again at Coventry (1518) the fines for apprentices were fixed at six and eightpence, and country settlers who had not passed through apprenticeship were only to be charged reasonable fees[5]. One or two towns anticipated or followed

[1] *Records of Norwich*, ii. 105.
[2] *Vict. County Hist. Yorkshire*, iii. 452.
[3] *Ibid.* ii. 111.
[4] *Records of Oxford*, 107. In 1560 forty shillings were exacted (*Archæol. Journal*, vi. 268), and in 1575 an attempt was made to extort £10 (*ibid.* vi. 150).
[5] *Coventry Leet Book*, iii. 655.

the lines of policy laid down by Hales in the passage cited above, and surrendered their monopoly. In 1517 Lincoln, which had suffered severely from pestilence, the loss of its staple and the flight of its inhabitants, and at one time was said to be on the verge of destruction, offered to enfranchise all spinners of wool and other cloth-workers who settled in the city, and to release them for a period of three years from summons of any kind[1]. Subsequently, however, trouble revived when the Weavers' gild tried to compel weavers settled in the suburbs to contribute to their gild, and the matter was brought before the Court of Requests[2]. We shall also see how the mayor of Chester overcame the monopoly of the local manufacturers and introduced weavers from Shrewsbury[3]. Again, in 1588, a craftsman was admitted to the freedom of Lynn "and pardoned his fine as a good furrier, and the town has need of one of that craft"[4].

(iii.) *Abuse of power.*

Another complaint directed against the craft gilds was that they were no longer fulfilling the purposes for which they were founded. They were intended to serve the community faithfully and well, to keep their members "in peace, wealth and tranquillity", and to maintain "rule and order" among their apprentices and journeymen. But instead they brought neither "profit nor commodity" to the city, and were decaying alike in "wealth, substance and comely obedience to the distress of the commonwealth of this city and shame, contrary to the true meaning of the first foundation of the fellowships and fraternities"[5]. A definite instance of abuse of power is recorded at London in 1471, where the Bakers made presentments of foreign bakers out of envy and malevolence, and made no presentments touching bakers who resided within the liberty of the city; accordingly the mayor and aldermen of the city appointed two officers to assess penalties[6]. The charges levelled against the craft gilds are sometimes regarded as a sign of the degeneracy of the gild system, but they were in no way new. At the opening of the fourteenth century the

[1] *Hist. MSS. Comm.* 14th Rep. App. viii. pp. 5, 26, 263.
[2] *Select Cases in the Court of Requests*, 47.
[3] *Infra*, p. 390.
[4] *Antiquary* (1911), 375.
[5] *Records of Norwich*, ii. 296-297 (1543).
[6] *Letter Book L*, 100.

London Weavers were arraigned before the itinerant justices at the Tower to meet the indictment that they restricted membership, and framed ordinances for their own private advantage and to the public detriment. In particular, it was said that they limited the output of cloth by allowing no one to work between Christmas and Candlemas or to make pieces of broad cloth in less than four days, although two or three days often sufficed[1]. But the outcry against the oppression of the craft gilds grew in later centuries until eventually it found expression in two legislative enactments, the import of which we have now to examine.

State intervention: (a) the statute of 1437.

In 1437 an act of parliament represented that "the masters, wardens and people of the gilds . . . make themselves many unlawful and unreasonable ordinances . . . for their singular profit and common damage to the people"; and ordered that they should submit their ordinances to justices of the peace in counties or to "*the chief governors*" of cities and towns[2]. There is a tendency to regard this act as a turning-point in the history of the craft gilds, but there is no reason to assume that it altered the character of the gilds or in any way changed their relation to the municipality or the state. It does not place craft gilds in towns under any external authority; and they still remained subject to the municipal magistrates, not only in their capacity as "chief governors" of the town, but as justices of the peace[3]. An act of 1495, for example, compelled the Shearmen of Norwich to obtain the approval of the mayor and aldermen of the city for any ordinances they might make[4]. A truer interpretation of the act would seem to be this: under Edward III. and his successors, and especially under Henry VI., many of the craft gilds began to receive royal charters by virtue of which their right to control industry was henceforth derived from the Crown rather

[1] Riley, *Liber Custumarum*, i. 416-425.

[2] *Statutes*, ii. 298. Cunningham (i. 445) quotes the act of 1504 as that of 1437, but there is an important difference in the wording: the words "in prices of wares" are not in the act of 1437. The petition which led to this act was prompted by municipalities all over England, not by London, as is sometimes supposed: *Rot. Parl.* iv. 507.

[3] Municipal magistrates were appointed as justices of the peace: *First Report of the Municipal Corporations* (1835), 17.

[4] *Statutes*, ii. 578.

than from the municipality. This set up a system of divided authority and established a situation parallel to that which had existed in the twelfth century. Hence the friction between the Tailors of Exeter [1] and the civic magistrates; subsequently even at York certain companies were exempted from the mayor's jurisdiction on the strength of royal charters [2]. Accordingly, as early as 1376, the Commons began to complain that mayors and bailiffs of towns were hindered from carrying out their office by reason of the charters granted to certain misteries, and they demanded that these charters should be repealed [3]. They renewed the complaint in 1437 [4]; and this time with more success. The act of 1437 was therefore directed primarily against those gilds, which were advancing special claims to independence under colour of "*charters and letters patent of divers kings*"; and it was clearly intended not to override or set aside, but to strengthen and confirm the authority of the municipal bodies, wherever that authority had been called into question. It is important, then, to remember that the statute of 1437 did not create a new situation, nor did it open up a fresh stage in the history of the gilds. It conferred upon the towns no powers of control which they did not already possess; and there is abundant evidence to show that these powers were repeatedly exercised prior to 1437 [5]. Nor, on the other hand, does it give over to the central government functions of control, which for two centuries had been the recognized province of the local bodies. After this date, as before it, the gilds continued to submit their ordinances to the municipal authorities for their consent and ratification [6].

In 1504 another statute was passed, the preamble of which

[1] *Supra*, p. 333.
[2] Drake, *Eboracum*, 224.
[3] *Rot. Parl.* ii. 331 *a*.
[4] *Ibid.* iv. 507.
[5] *Supra*, p. 329 *seq.*
[6] *E.g. supra*, p. 336. The hypothesis put forward in the text, that the petitions of 1376 and 1437 were prompted by the desire of the municipal authorities to curb the growing pretensions of chartered companies, may also serve to explain their anxiety under Richard II. to prevent the crafts from wearing a livery. The livery meant an accession of strength to the craft organizations and a corresponding loss of power to the municipality; on this ground it was at first opposed by the town authorities. For an alternative view, see Ashley, *Economic History*, ii. 126 *seq.*, where the opposition to the livery is interpreted as part of a class struggle between "the organized misteries" and "the classes that had previously ruled".

(b) *The statute of 1504.*

recited that gilds "often times, by colour of rule and governance to them granted and confirmed by charters and letters patent of divers kings, made among themselves many unlawful and unreasonable ordinances as well in prices of wares as other things, for their own singular profit and to the common hurt and damage of the people"[1]. A new departure was made in the clause that all gild ordinances must be approved by the chancellor, treasurer and chief justices of both benches, or any three of them, or by the justices of assize in their circuits. This act differs from that of 1437 in two respects. In the first place it provides national in addition to municipal machinery for the control of the gilds. The authority of the civic magistrates was not set aside, but was now supplemented by the supervision of the state. This clause appears to have been enforced; the Oxford Butchers petitioned the justices of assize in 1536 "to oversee and examine" their ordinances, which had been drawn up by the gild and approved by the mayor[2]. In 1562 the Oxford council agreed to affix the town seal to the ordinances of the Glovers, provided they were approved by the justices[3]. The Ordinances of the Worsted Weavers of Norwich and the counties of Norfolk, Suffolk and Cambridgeshire (1511) were ratified by the lord chancellor[4]. In the second place the act of 1504 charges the gilds with unreasonable ordinances "in prices of wares", and as a result the gilds are supposed to have lost any right they may have had to determine the prices of commodities[5]. But this hardly appears probable. The act signally failed to limit the jurisdiction of the gilds over their members[6], and it is unlikely therefore to have affected deeply their privileges in a matter still more vital to their interests. The Founders' Company, for example, continued to fix the prices of their commodities, as the wardens themselves acknowledged, two

[1] *Statutes*, ii. 652.

[2] *Records of Oxford*, 144.

[3] *Ibid.* 288. Another example is Williams, *Founders' Company*, 13 (wardens charged in 1508 with making an act contrary to the statute of 1504). The act did not, however, destroy municipal control. The Founders sought municipal approval in 1515 and 1587 (*ibid.* 17, 21), and the Fishmongers made submission to the authorities in 1509 (Herbert, *Livery Companies*, ii. 33).

[4] *Records of Norwich*, ii. 379 (*n.* 2).

[5] Ashley, *Economic History*, ii. 160, takes this view.

[6] *Supra*, p. 308.

years after the act was passed[1]. The scope of the statute in fact only extended "to unreasonable ordinances", and was not designed to affect the legitimate exercise of the ordinary gild functions.

(c) *The statute of 1547.*

On the whole there is no indication that the legislation of 1437 and 1504 exerted much influence upon the powers and constitution of the craft gilds. State intervention to all appearance was not a decisive factor in affecting their development; the forces which transformed the gilds were partly the inevitable product of economic changes, and partly inherent in the gild structure itself. The history of the craft gilds after the Reformation lies beyond the scope of the present chapter. But attention may be drawn to the fact that the act of 1547 forms no exception to the statement we have made as to the influence of legislation upon the course of gild development. The view held by older writers that Edward VI.'s legislation abolished the craft organizations is now recognized as untenable. In 1545 Henry VIII. passed an act for the dissolution of chantries, that is, religious foundations where masses were said for the repose of the dead.[2] Before the act could be carried into execution Henry died, and under his successor another measure (1547) was passed which confiscated the property of all religious gilds and vested it in the Crown[3]; the craft gilds were only affected in so far as their funds were devoted to spiritual purposes. The result of the act was thus the "disendowment of religion"[4]; and the crafts as industrial, social and charitable organizations were left untouched. We have to remember that in the Middle Ages there were great numbers of gilds which had no connexion with industry or trade, but served purely religious or semi-religious functions[5]; for example, a fraternity was founded at York mainly to keep up a religious play. These presumably were completely swept away by the act. Many craft gilds, as we have seen, had developed out of religious brotherhoods, and probably most of them served some kind of

[1] *Select Cases in the Star Chamber*, i. 267. [2] *Statutes*, iii. 988.
[3] *Ibid.* iv. part i. 27.
[4] Clode, *Early History of the Merchant Taylors*, i. 138.
[5] Brentano, *History and Development of Gilds*, p. lxxxii.

religious functions. In these cases the portion of their revenues employed for such purposes would be taken away from them and handed over to the government as rent-charges, while the rest of their income, and above all their powers of industrial control, would remain unaffected. There is no question that the Reformation did not destroy the gild system[1], though indirectly the effects may have been considerable in impairing the prestige of the craft and relaxing the ties that bound its members together. Much obviously depends, moreover, on whether Edward's commissioners showed a just and careful discrimination. An example of the disendowment of the religious side of the craft gilds is furnished by the Merchant Taylors' Company. They held twenty-nine hereditaments, which brought in an annual rent of £440 : 13 : 10, of which the rent-charges devoted to purposes described by parliament as 'superstitious' amounted to £98 : 11 : 5. As a result of the statute, "instead of making, as theretofore, several payments to several priests and in several parishes, one payment of an ascertained and definitive sum had thereafter to be made to the Crown". When the government sold the rent-charge of £98 : 11 : 5 the Company, in order to redeem it, was forced to dispose of estates with a rental of £122 : 14 : 2; and this left the Merchant Taylors with an annual income of £317 : 19 : 8[2].

Operation of economic forces

While the changes produced in the gild system by legislative action appear to have been exaggerated, economic forces exerted the most profound influence. Accordingly, we have now to trace the process by which the gild system was gradually broken up, and the craft gilds replaced by a new form of industrial organization. The essence of the craft gild lay in the combination of trading functions and handicraft functions in the hands of the master craftsman, who bought his raw material from the producer, worked it up into a finished product and then sold it to the consumer. So long as the market was limited, and capital played little part in industrial development, the gild system answered

[1] Ashley, *Economic History*, ii. 155 *seq.*; Lambert, *Two Thousand Years of Gild Life*, 8, and part ii. *passim*; Kramer, *Craft Gilds*, 86-88, 110-113.

[2] Clode, *Early History of the Merchant Taylors*, i. 144 *seq.* 371.

to the needs of the time. But when the market widened, and capital became more important, there followed an increasing division of labour; and the mercantile and industrial aspects of the gild were differentiated. The trading functions now began to pass to a special class of traders, and the master craftsmen were confined to the purely manual functions. There were in the fifteenth and sixteenth centuries various ways by which the craftsman could be deprived of his economic independence[1]: one branch of an industry might control the remaining branches and usurp the trading functions; or within the same craft these functions might pass to the more enterprising members; or a separate and distinct organization of trading capitalists might dominate the whole industry from without. To trace the development of these various movements, we shall therefore examine in turn (1) the amalgamation of crafts, (2) the rise of the livery company, (3) the growth of mercantile societies. In all cases production and distribution were separated; the gild or handicraft system was supplanted by what is commonly termed the domestic system, where the manufacturer becomes dependent upon the merchant and loses direct contact with the consumer.

(i.) *Amalgamation of crafts.*

The fifteenth century witnessed striking changes in the development of the gild system, of which one of the most pregnant was the amalgamation of crafts. A process of integration began, by which the crafts surrendered their individuality and merged their separate identity into a collective organization, while still apparently retaining control over their members in matters of trade. At Norwich in 1449 there were several small misteries which contained so few persons that they could not be called crafts, and it was ordered therefore that each mistery should be united with some craft, though maintaining a separate existence as well as its own wardens. Accordingly, the Bladesmiths, Locksmiths and Lorimers were annexed to the Smiths' craft[2]; and there are also many examples of

[1] On the forms of industrial organization resulting from the Division of Labour, see Unwin, *Industrial Organization*.

[2] *Records of Norwich*, ii. 280. See also W. C. Hazlitt, *The Livery Companies of the City of London* (1892), 26.

combination in other towns. The roll of membership was in fact often very small; at York, for example, the gilds connected with the cloth trade averaged each sixty-five members, but the gilds engaged in the iron industry numbered only eleven each, and the wax-chandlers only six[1]. Hence in the struggle for existence the smaller misteries were frequently too impoverished to bear the financial burdens laid upon them, and were compelled to abandon their independence. On this account the Pursers and Glovers of London united in 1498 to form one body[2]: "Both the said fellowships of late be sore decayed, both in number of persons and substance of goods, that they can nor may severally live hereafter of themselves, nor to support nor to maintain their said fellowships, nor to bear lot nor scot nor any other charge, as they have done in time past". In 1502 they joined the Leathersellers who had already received the White Tawyers in 1479, and who also absorbed the Pouchmakers in 1517[3]. The reason assigned by the White Tawyers for their amalgamation with the Leathersellers was that "there is of the same craft so few persons in number, that they have no choice to make any wardens to rule the same craft". This supports the conjecture that the union of crafts must have been largely due to the very scanty roll of membership. Another example is that of the Horners and Bottlemakers, who joined together in 1476[4]. Among the charges, whose burden was beyond the resources of many gilds, the most prominent was usually that of the pageant, and where the craft lacked substantial men to support the expense, it was grouped with other gilds for this purpose. At Coventry in 1444 the Card-makers, Saddlers, Masons and Painters "by long time past have been as one fellowship in bearing costs, charges, and all other duties of old time to their pageant and the said fellowship belonging"[5]. Again the Barbers were compelled in 1531 to contribute to the pageant of the Girdlers, though some years later (1552) they succeeded in obtaining their discharge[6]. At York the Tapiters, Cord-

[1] *York Memorandum Book*, i. pp. xlii, xlv.
[2] Black, *Leathersellers' Company*, 42.
[3] *Ibid.* 38 (1479), 42 (1502), 47 (1517). [4] *Letter Book L*, 138.
[5] *Coventry Leet Book*, i. 205. [6] *Ibid.* iii. 710 (1531), 805 (1552).

makers and Linen-weavers united for "the bringing forth of the pageants"[1]; and the Masons tried to compel the Tilers and Plasterers to contribute to their pageant[2]. The Drapers (1505) also complained that their pageant was so costly that they required assistance[3], and the Coopers alleged their inability to support their pageant having been parted from the Joiners[4]. In many cases, however, the amalgamation of the gilds was due to economic forces and marked a new stage in the organization of industry. The members of one craft often attempted to exercise control over all who were engaged in other branches of the same industry. As early as 1327 the Joiners, Painters and Lorimers, allied crafts of saddle-making, complained that the Saddlers "by conspiracy and collusion among themselves have ordained . . . that no one of the trades aforesaid shall be so daring as to sell any manner of merchandise that unto their own trade pertains, either to freemen of the city or to other persons, but only to themselves in the business of saddlery"[5]. At Coventry (1435) the union of the workers in iron enabled certain among them to control the whole process and to pass on badly-tempered iron to smiths, brakemen, girdlemakers and cardwire-drawers. Apparently a number of employers "had all the craft in their own hands", and gave out work to men in all the four different branches of iron-working. The authorities broke up the union on the ground that it facilitated deceit and was detrimental to the public interest[6]. In the case of the saddle-makers and the iron-workers, we see how one section endeavoured to obtain the ascendancy by engrossing the whole trade into its hands and depriving the other crafts of their independence. In the cloth trade which passed through many hands, and where the division of labour was greatest, it was inevitable that the weavers, dyers, fullers and shearmen should be grouped together in a condition of economic dependency upon the drapers[7]. The amalgamation of crafts was thus in many

1 Davies, *Municipal Records of York*, 236 (*n.*) (*temp.* Ric. III.).
2 *York Memorandum Book*, i. 148 (early fifteenth century).
3 Davies, *op. cit.* 236.
4 *York Memorandum Book*, i. 67.
5 Riley, *Memorials of London*, 157.
6 *Coventry Leet Book*, i. 180-181.
7 *Infra*, p. 417 *seq.*

cases a sign that industry was passing through a new phase of development, in which a class of employers assumed the functions of the middleman and thrust itself between the master craftsman and the consumer. As a result the former came to lose his independence; he was now to all intents and purposes a wage-earner paid by piece-work, but working in his own home, and employed by more than one capitalist. The fifteenth century thus marks a period of transition in industrial organization, in which the gild system underwent considerable modification and was gradually transformed into the domestic system.

(ii.) The livery company.

The new form of industrial association evolved in the fourteenth and fifteenth centuries was the incorporated livery company. It varied fundamentally from the older craft gild in the differentiation of two distinct classes, the mercantile and the industrial. The trader and the manual worker were now separated, and while the former secured the control of industry, the latter lost his economic independence and acquired an inferior status. The outward sign of the altered condition of things was the wearing of the livery which, while forbidden to the retainers of great households, was permitted to the crafts by the act of 1411[1]. Originally the livery was assumed in order to stimulate the feeling of brotherhood and solidarity among the craftsmen, and with no intention of creating class distinctions; at Norwich all members of the craft gild "having the means" were ordered to wear the appointed livery[2]. "At this time", says the chronicler, speaking of the year 1319, "many of the people of the trades of London were arrayed in livery and a good time was about to begin"[3]. Among those in Chaucer's Prologue, who wended their way to Canterbury "the holy blissful martyr for to seek", went

> "An Haberdasher, and a Carpenter,
> A Webbe (Weaver), a Dyer and a Tapicer,
> And they were clothed all in one livery
> Of a solemn and great fraternity".

Gradually, however, a distinction began to emerge between

[1] *Statutes*, ii. 167. [2] *Records of Norwich*, ii. 285 (1449).
[3] Riley, *Chronicles of London*, 253.

those who wore the livery, and those whose poverty excluded them from the ranks of the privileged body. The wealth of the liverymen enabled them to aspire to a position of greater prestige and dignity than had been enjoyed by the older bodies, and they sought an improved legal status by means of incorporation. This not only consolidated their social position, but conferred upon them the marks of a legal personality which could plead and be impleaded, hold property and have a common seal. At the same time it set the stamp of royal recognition upon their claims to control trade and industry. Many of the London companies first received their charters under Edward III. though the privilege of formal and complete incorporation was deferred to later reigns[1]. They availed themselves of the statute of 1363, by which traders were restricted to a single class of commodities, to obtain letters patent from the king which confirmed their monopoly of trade. Edward's favour was conciliated by a timely gift of money contributed by the different London companies: the Mercers, Fishmongers, Drapers and Skinners paid each £40; the Vintners £33:6:8; the Grocers £26:6:8; and the Goldsmiths and Tailors £20 each[2]. Their history, of course, can be carried back to a much earlier period; thus the first charter granted to the Merchant Taylors was in 1326[3], and was subsequently confirmed in 1364[4], yet they were already in existence as a separate fraternity in 1267, when they were involved in a dispute with the Goldsmiths[5]. Again, the Carpenters of London were not incorporated until 1477, though as early as 1333 they were already an organized association with their own "boke" of ordinances[6]. The Pewterers were incorporated in 1473, but their ordinances date from 1348[7]. When the crafts were reconstituted as chartered companies, it was inevitable that the control

[1] Thus the Grocers were incorporated 1429, the Fishmongers 1433, the Drapers 1438, the Haberdashers 1448 (*Letter Book K*, 225-226, 330), the Leathersellers in 1444 (Black, 26).

[2] *Letter Book G*, 172.

[3] Clode, *Memorials of the Merchant Taylors*, 189.

[4] *Letter Book G*, 161.

[5] *De Antiquis Legibus Liber*, 99.

[6] Welch, *The 'Boke' of Carpenters of London*, 4.

[7] Welch, *Pewterers' Company*, i. 37.

should pass into the hands of the richer members, the employers and capitalists, whose wealth had been mainly instrumental in obtaining the charter and in building the hall[1], and upon whom the maintenance of their privileges would naturally depend. A cleavage was produced between the trading and industrial capitalists on the one hand, and the artificers on the other; the latter were organized as a separate but strictly subordinate body, the yeomanry or bachelor gilds, consisting in the main of small masters outside the livery, who were confined to the manual parts of their trade.

The struggle between the yeomanry and the livery.

By unusual good fortune we have an actual glimpse[2] of the process, by which the livery members of a London company endeavoured to gather into their hands the trading functions of the craft and reduce the yeomanry to a condition of economic dependency. The master of the Founders' Company and those who were "of the clothing", that is, the livery members, carried through an act (1506) by which no one was to sell his wares under certain fixed prices upon penalty of a heavy fine. The real purpose of the act, as the proceedings make evident, was to intimidate the yeomanry from selling "their own wares at their own liberty as they had done in times past". Their fears were successfully worked upon, until they were brought to believe that they could only escape the penalties of the act by selling their wares to the master of the company, which he afterwards disposed of at a considerable profit to himself. But one of the yeomanry declined to be imposed upon and appealed to the Exchequer Court; the case was tried before a city jury, and the master and wardens were fined forty pounds. Thereupon, with the assent of the livery—the most "substantial" persons of the fellowship—they proceeded to sell the company's plate to meet the penalties they had incurred. The yeomanry, emboldened by their previous success, now made application to the Star Chamber

[1] The delay among the London Carpenters in obtaining a charter was apparently due to lack of funds (Jupp and Pocock, 342). On the other hand, the yeomanry contributed £400 to the building of the hall of the Merchant Taylors (Clode, *Early History*, i. 71).

[2] *Select Cases in the Star Chamber*, i. 262 *seq.*

for the recovery of their plate. A judgment was given in their favour, and the lord mayor was called in to reorganize the company. He awarded "that yearly, as well at the elections of the new wardens as at the time of making up the old wardens' accounts, that the wardens for the time being shall call unto them six of the yeomanry which they shall think the most notable and convenient to hear the old wardens' accounts, forasmuch as they be members of the said fellowship"[1]. The interest of this case is twofold. It throws light upon the efforts of the liverymen to transform the small master into a manual worker dependent upon the middleman for the disposal of his wares. At the same time it affords proof that the transition from the gild system to the domestic system was not accomplished without a struggle upon the part of the yeomanry to retain their former independence.

Constitution of the livery company.

The constitution of the livery company in the sixteenth century was oligarchical; its government was vested in the hands of the master, two or more wardens and a court of assistants. The court of assistants probably originated in the practice of summoning the more experienced craftsmen to give advice to the wardens. We can see the germ of the institution at Bristol where the master of the Tailors, "upon reasonable consideration by the seniors that have been masters of the craft or of the more part of them", could admit new members to the craft who had not served their apprenticeship[2]. A court of assistants is found also at Shrewsbury[3] as early as 1478; and the gilds of Norwich and Coventry were ruled by a common council[4]. The governing body established a complete hold over the company; it filled vacancies in its ranks by co-optation, selected new members of the livery, controlled the freemen who were not 'of the livery', and directed all the affairs of the company. The growth of this oligarchy was the natural sequence of the laxity with which members of the craft gilds had viewed their obligations in the past, and of their

[1] Williams, *Founders' Company*, 14.
[2] Fox, *Merchant Taylors of Bristol*, 43.
[3] Hibbert, *Influence and Development of English Gilds*, 41.
[4] *Supra*, p. 313.

reluctance to attend the meetings of the assembly or to take office[1].

The twelve great livery companies.

The list of the twelve great livery companies, according to the order of precedence established in 1516, was as follows: Mercers, Grocers, Drapers, Fishmongers, Goldsmiths, Skinners, Taylors, Haberdashers, Salters, Ironmongers, Vintners and Shearmen; in 1528 the Shearmen joined the Fullers, and together they formed the Clothworkers[2]. Of the Grocers and Mercers and their offshoots we shall speak presently; and it remains therefore to give some account of the Merchant Taylors as a type of the livery company. They had a continuous existence from the thirteenth century, for they appear as early as 1267; and Stow relates that Edward I. in 1299 "confirmed this gild by the name of Tailors and Linen-armourers, and also gave to the brethren thereof authority every year at midsummer to hold a feast, and to choose unto them a governor, or master, with wardens"[3]. In 1326 they received their first charter, which conferred upon them the exclusive monopoly of their craft and granted that no one should be admitted to their mistery, unless vouched "by the honest and lawful men of the misteries that he is honest, faithful and fit for the same"[4]. In 1364 their charter was confirmed[5], and a few years later (1371) they framed ordinances with the mayor's approval to regulate their trade[6]. Richard II. and Henry IV. became honorary members of their company[7], and in 1407 they were incorporated as "a sound, perpetual and corporate fraternity" with licence to "have a common seal and be impleaded and implead others" as one body, and were also empowered to hold land[8]. Almost a century later (1502) they received a charter at the hands of Henry VII., which recited that since "the men of the misteries . . . in all quarters and kingdoms of the world" used "all and every kinds of merchandises to the renown, honour and benefit of our kingdom . . . buying and selling of all and every

[1] *Supra*, p. 364.
[2] *Letter Book L*, p. xlii.
[3] Stow, *Survey of London*, i. 181.
[4] Clode, *Memorials of the Merchant Taylors*, 189.
[5] *Letter Book G*, 161.
[6] Clode, *op. cit.* 513.
[7] *Ibid.* 3. Henry VI. was also an honorary member: *ibid.* 5.
[8] *Ibid.* 191.

wares and merchandises whatsoever, and especially woollen cloths, as well wholesale as retail, throughout our whole realm of England", therefore the title of "Merchant" before that of "Taylors" was conferred upon their company. Under this charter they ceased to be exclusively Taylors, for it enabled them to admit "whatsoever persons, natives, whom they may be willing to receive into the same fraternity . . . without the hindrance or disturbance of any person or persons of any other art or mistery"[1]. Indeed, the members of many London companies frequently came to have only a very faint connexion with the business of the company to which they were attached.

(iii.) *Mercantile crafts.*

We have dealt with one aspect of industrial development: the growth of a select body of industrial capitalists inside the craft gilds, who controlled the craft from within. We have now to trace the rise of purely mercantile crafts composed of trading capitalists, which were devoid of organic connexion with the handicrafts and came to control them, if at all, from without. In London a class of merchants came into existence at least as early as the fourteenth century, in other towns in the fifteenth century. In 1312 it was said that "the City is wont to be defended and governed by the aid and counsel as well of the good men of mercantile trades as of the other handicraft trades"[2]; and this implies a definite line of demarcation. The Ordinance of 1363 shows that the mercantile classes had attained considerable prominence. It attempted to restrict traders to one commodity, for it recited that "English merchants shall use no ware nor merchandise . . . but only one"[3]. At the same time the Drapers[4] and other companies of London received charters which gave them a monopoly of their trade. The Ordinance caused a great outcry, and attempts were made to prevent its proclamation[5]. The discontent came to a head with the grant of charters "contrary to the

[1] Clode, *op. cit.* 195-196.
[2] Riley, *Liber Albus*, i. 495.
[3] *Statutes*, i. 379. English vintners, however, were allowed to buy cloth, and Gascon vintners cloth and fish, for exportation in order not to take money out of the country: *Close Rolls*, 1364–1368, p. 76
[4] *Patent Rolls*, 1364–1367, p. 4.
[5] *Chronica Johannis de Reading*, 161: royal guards were set in the city.

interests of the commonalty"[1]. The price of commodities was said to have risen by one-third[2], and in 1364 the Ordinance was repealed with the words: "all people shall be as free as they were at all times before the said Ordinance"[3]. The attempt to restrict traders to a single class of merchandise had failed in London, but it was revived in other towns. As late as 1581 the jurors at Southampton presented that "John Elliot keepeth open shop and selleth divers kinds of wares contrary to the corporation and custom of this town, which we desire may be redressed, for if he keeps shop it is meet he keep it only with his science and occupation of glovers' craft and none other, for that is contrary to the statute"[4].

The Grocers.

The act of 1363 had been directed against the Grocers' Company, which originated in a combination of the Pepperers and the Spicerers. They were a group of merchants who "engrossed", that is, bought wholesale different kinds of merchandise. They were attacked in a petition of 1363 which recited that great mischiefs had newly arisen, as well to the king and the great men and commons as to others of the land, from the merchants called grocers who engrossed all manner of merchandise vendible and suddenly raised the price of such merchandise within the realm; putting to sale by covin and ordinance made amongst themselves in their own society, which they called a fraternity and gild of merchants, such merchandises as were most dear, and keeping in store the others until times of dearth and scarcity[5]. The Grocers were wholesale dealers, and enjoyed the right to appoint weighers or keepers of the Great Balance when commodities were sold in gross[6]. The Mercers, again, were retail dealers in small wares, who appointed weighers at the Small Balance[7]. According to Herbert, the term mercer "in ancient times was the name for a dealer in small wares, and not as afterwards, a vendor of silks. Merceries then

The Mercers.

[1] *Chronica Johannis de Reading*, 161.
[2] *Rot. Parl.* ii. 286 *a*.
[3] *Statutes*, i. 383.
[4] *Southampton Court Leet Records*, 216.
[5] *Rot. Parl.* ii. 277 *b*.
[6] *Letter Book G*, 204. This was the 'peso-grosso', which may have been the origin of the term, Grocer: Kingdon, *Grocers' Company*, i. p. xv.
[7] *Letter Book G*, 2.

comprehended all things sold retail by the little balance or small scale (in contradistinction to things sold by the beam or in gross), and included not only toys, together with haberdashery and various other articles connected with dress, but also spices and drugs; in short, what at present constitutes the stock of a general country shopkeeper" [1]. Gradually, however, there was developed an increasing specialization in trade, and from the Mercers and Grocers sprang a number of other companies, the Drapers, the Vintners, the Haberdashers and the rest. Of the Drapers we shall speak in connexion with the woollen industry [2]. The Vintners were divided into two classes, the *Vinetarii* or merchant importers, and the *Tabernarii* or retailers who kept taverns and cellars [3]. The Haberdashers were originally a branch of the Mercers [4], and became very numerous. Forty years ago, observed a writer in Henry VIII.'s reign, there were scarcely four or five haberdashers' shops throughout London, "where now every street is full of them" [5]. It is necessary, however, to remember that many of the London mercantile companies, for example, the Goldsmiths, the Pepperers and others, were already in existence in the thirteenth and even the twelfth century [6].

Their offshoots.

It is essential to grasp the all-important fact that in London and provincial towns a definite class of merchants had differentiated themselves from the craftsmen. They constituted an organized body of traders who stood outside the craft organization, and are therefore to be distinguished from the capitalist employers who originated inside the craft gild itself. A sixteenth-century writer complained that "the breeding of so many merchants in London, risen out of poor men's sons, hath been a marvellous destruction to the whole realm" [7]. But a distinction must here be drawn. In London and the more important towns the merchants were organized in a number of distinct and separate groups,

Provincial companies of dealers.

[1] Herbert, *Livery Companies*, i. 230.
[2] *Infra*, p. 415 *seq.*
[3] Herbert, *op. cit.* ii. 625.
[4] *Ibid.* ii. 533.
[5] Pauli, *Drei volksw. Denkschr.* 39.
[6] For the Goldsmiths, *supra*, pp. 346, 379. The Pepperers were one of the adulterine gilds fined in 1180: *Pipe Roll*, 26 Hen. II. (vol. xxix. 153).
[7] Pauli, *Drei volksw. Denkschr.* 33.

according to the trade which they carried on. Here, also, there are examples of combination among traders; for instance, in York the merchants, grocers, mercers and apothecaries were organized in one group, the drapers and merchant-taylors in another, and the linen-weavers in a third. In this case each trade or craft retained its own coat of arms, but for purposes of organization was grouped with other trades and crafts in a single corporation under one governing body[1]. But in London, in particular, each body of merchants retained its own independent organization; and instead of a single trading company embracing all classes of merchants, there were several companies, as we have seen, differentiated in accordance with the nature of their merchandise; hence the Grocers, the Goldsmiths, the Vintners and numerous other London companies. Elsewhere, on the other hand, most towns appear to have had a general trading company of dealers. There is evidence[2] that in a large number of towns traders amalgamated in one company to protect their interests. The advantages of consolidation would be apparent to local dealers in preventing friction between the different groups of merchants and complaints of encroachment upon each other's trade, and in settling the relations between merchants and handicraftsmen. Moreover, the goldsmiths, mercers, drapers, grocers and the rest were commonly too few in number to allow of their organization in isolated groups; hence, while following a great variety of callings, they would naturally come together in a common association for the maintenance of their mutual interests. This serves to explain the heterogeneous nature of the trading companies, a feature which at first sight may well occasion surprise.

Exclusion of craftsmen from trade.

The growing differentiation of the mercantile and handicraft classes was stimulated by the efforts of the former to prevent craftsmen from dealing in merchandise outside their mistery. At Newcastle (1480) the Merchant Adventurers excluded craftsmen from retailing merchandise and

[1] Drake, *Eboracum*, 224.

[2] S. Kramer, "The Amalgamation of the English Mercantile Crafts", in *English Hist. Review*, xxiii. 15-34, 236-251. For the list of towns with companies of dealers: *ibid.* 17-18.

inflicted fines on offenders[1]. The latter contested their monopoly, claiming "to buy and sell all manner [of] wares", but a decree of the Star Chamber in 1516 laid down that they were not to engage in trade unless they first renounced their craft[2]. At Hull (1499) merchants alleged that they were greatly injured "by tailors, shoemakers and others, which presumptuously hath taken upon them to buy and to sell as merchants"; and it was therefore enacted that no craftsman should buy and sell wares, but such as pertained to his craft[3]. At Exeter, on the other hand, retail trade was open to all citizens, *and the restriction here applied only to "adventuring beyond the seas"*[4]. Elizabeth's charter to the Merchant Adventurers of Exeter (1560) speaks of the many "inconveniences, which of late within the said city hath cropped in and grown by reason of the excessive number of artificers and other inexpert, ignorant and unworthy men, who do take upon them to use the art, science and mistery of merchandise and traffic of merchant wares"[5]. The city companies, headed by the Tailors, fought against the attempt of the merchants to establish an exclusive monopoly of foreign trade, but after two years of disturbance the merchants triumphed[6]. John Hoker, the historian of Exeter, who acted on behalf of the merchants, defended their monopoly on the ground that "to be an adventurer is not only to be subject to the perils of the seas, but doth also require more exact knowledge in itself than other trades do, without which the trade is like to be more dangerous than profitable"[7]. Similarly at Bristol, Edward VI.'s charter to the Merchant Venturers (1552) prohibited "artificers and men of manual art" from engaging in foreign trade "to the great scandal of the merchants"[8]. This cut off craftsmen from foreign trade, but not from retail trade within the town. The history of the Merchant Venturers, or "Meere Merchants", of Chester furnishes another example

[1] *Newcastle Merchant Adventurers*, i. 5 (1480), 30 (1581), 81 *seq.* (fines inflicted). [2] *Select Cases in the Star Chamber*, ii. 75, 106.
[3] Lambert, *Two Thousand Years of Gild Life*, 158.
[4] Cotton, *An Elizabethan Guild of the City of Exeter*, 104.
[5] *Ibid.* 1. [6] *Ibid.* 24-25. [7] *Ibid.* 105.
[8] Latimer, *Merchant Venturers of Bristol*, 42.

of the tendency to exclude the manual craftsman from sharing in trade. They were incorporated by charter for foreign trade in 1553, and no member at first was allowed to exercise any manual occupation or to sell by retail. But the retail traders refused to abandon their right to traffic in foreign parts, and after many years' dispute they were admitted to the company in 1589, though craftsmen continued to be excluded[1].

Merits and defects of the gild system.

The historian is apt to be influenced unconsciously by what we may term 'economic fatalism', the belief that social evolution moves along irresistibly to some predestined end. The society in which we live is so deeply rooted in our everyday thoughts and habits, that the sequence of historical events which has brought it into being appears to us unavoidable and inevitable. From this standpoint it has been possible to bestow praise upon the craft gild, in spite of the fact that its fundamental principles are in many respects so completely at variance with modern ways of thinking. It is contended that the pressure of the gild system in a primitive age, accustomed to the rudest forms of deceit, fashioned a public opinion in favour of those social and economic virtues that have now become a commonplace, and schooled men to recognize elementary maxims of honesty in trade and industry. It would then follow that, with all its uncompromising and rigid harshness, the gild system could be justified as an indispensable stage in our development. We scarcely know, however, sufficient of the factors which have moulded the national temperament, and created a social conscience, to postulate this view with certainty. But what we can do is to recognize that the gild system had certain qualities which may still afford an inspiration to our own age, and certain defects which may still furnish a warning. Both praise and criticism alike must take into account the economic environment under which the gild system grew up and flourished, the current conceptions of morality so widely different from the classical postulates of modern economics, and the conditions which

[1] Morris, *Chester*, 463-464.

facilitated their application. On the one hand, for the purposes of a local market the craft gild was admirably designed to achieve its object, the limited production of a well-wrought article. Apprenticeship afforded ample opportunities for a thorough system of technical training, and the inspection of workshops stimulated and encouraged a high standard of craftsmanship. The regulation of wages and conditions of labour, if often prompted in the interests of the masters, would tend to protect the journeymen against arbitrary oppression and to set up a standard which was probably on the whole not unreasonable or unfair. Again, the determination of prices and the quality of wares sought to protect both the seller and the buyer, and to establish rates of remuneration for the craftsmen that were commensurate with the labour involved. It has often been remarked that mediaeval authorities endeavoured to fix prices according to the cost of production. Starting from the conviction that the labourer was worthy of his hire, their principle was to reward him with a recompense suitable to his station. They did not hold what we may call the theory of minimum subsistence—the iron law of wages—where wages are forced down to the lowest level at which the workman can subsist. Instead, they seem to have recognized that wages should be made to conform to a fit and proper standard of life. Another feature of the gild system was that the scope of individual enterprise was restricted, on the ground that the interests of the community were paramount. A striking example of the subordination of the individual to what was then conceived as the common good is afforded at Chester in 1558. Here a complaint was raised that Joiners and Carvers, instead of supplying the wants of the citizens, sold their wares to Ireland and other places beyond the sea " at an unreasonable, great and dear price " to their own enrichment, but to the discomfort of the community. Accordingly, they were forbidden to send away their work unless they had first obtained special leave [1]. The chief criticism against the craft gild, however, is that it fostered a spirit of monopoly and promoted an unreasoning

[1] Morris, *Chester*, 405.

jealousy of 'the stranger within the gates', which undoubtedly militated against the expansion of industry. Its monopoly indeed has met on every hand with severe condemnation, and the subsequent efforts of the gilds to confine membership to a narrow and selfish clique merit the censure they have received. But in the earlier stages of craft development the gilds, as we have already contended, can hardly be blamed for excluding from their privileges those who were reluctant to share their charges. The responsibility, if any, must lie with the Crown or the municipality, which employed the gilds as the instruments of their exactions. Moreover, we have to remember that the town authorities enjoyed the right to control the privileges of the craft gilds in the interests of the community, and could take steps to avoid the dangers of a monopoly. At Coventry country bakers and butchers were allowed to sell bread and meat in the market on certain days in the week[1], and the town traders were forbidden to molest them in any way. At Chester 'foreign' butchers and bakers could normally sell their commodities twice a week, so as to "reduce the sale of victuals to a lesser price"[2]. At London and York the victualling crafts were not permitted an unrestricted monopoly, and country dealers were allowed to sell in the market[3]. A more significant example of the exercise of municipal discretion was displayed when the mayor of Chester, in order to set up a new branch of the cloth trade, introduced weavers from Shrewsbury skilled in the manufacture of "cottons, friezes, russets, bays", and protected the strangers from the native weavers who tried to drive them from the town[4].

But whatever opinion we may form as to the merits and defects of the gild system, we can at any rate do justice to its most admirable feature, the institution of apprenticeship. Whatever its drawbacks, the gild has bequeathed to us the ideal of technical training and sound craftsmanship, an ideal binding on all alike who work with hand or brain.

[1] *Coventry Leet Book*, i. 24 (bakers, 1421); iii. 780 (butchers, 1547).
[2] Morris, *Chester*, 421, 441.
[3] For London, cf. *supra*, p. 338 (*n.* 7) (fishmongers). For York: *Memorandum Book*, i. 57.
[4] Morris, *Chester*, 408 (1576).

CHAPTER IX

THE WOOLLEN INDUSTRY

THE first great impulse towards a native manufacture of cloth, "the worthiest and richest commodity of this kingdom"[1], came in the reign of Edward III., but the history of the English woollen industry can be traced far beyond the fourteenth century. We have already seen how the weavers under Henry I. and Henry II. established gilds in London, Oxford, Lincoln, Huntingdon, Nottingham, Winchester and York[2]. Of these the most considerable was the gild of London, whose weavers paid a farm of twelve pounds into the Exchequer, while the rest contributed sums varying from ten pounds in the case of York to forty shillings in the case of Huntingdon and Nottingham. Another important centre of the cloth trade was Stamford, whose dyers and weavers are mentioned in an agreement drawn up in 1182 between the lord of Stamford and the convent of Peterborough[3]. At one time Stamford bid fair to become the seat of a University, and to rival the supremacy of Oxford and Cambridge[4]. In every part of the country an organized weaving industry was carried on during the twelfth and thirteenth centuries, and as its early history still remains obscure it is worth while to notice the places where it flourished. In Yorkshire the chief centre of the cloth trade was the city of York itself, but York did not enjoy, as is sometimes thought[5], the sole monopoly of cloth-

Early history of the woollen industry.

[1] Coke, *Second Part of the Institutes*, 41.
[2] *Supra*, p. 322. [3] *Vict. County Hist. Lincolnshire*, ii. 305.
[4] *Collectanea I.* (Oxford Hist. Soc.), for an account of the Stamford Schism.
[5] Gross, *Gild Merchant*, i. 108 (*n.* 3); Ashley, *Economic History*, ii. 251.

making in the county, for other Yorkshire towns including Beverley and Scarborough could also manufacture cloth[1]. The woollen industry began to spread through the West Riding, and at an early period Wakefield, Halifax and Bradford were already connected with it[2]. This shows that the textile manufactures were growing up in country places as well as in towns. Indeed the regulations of the gild merchant of Leicester[3] in 1264, forbidding craftsmen to weave the cloth of neighbouring villages unless they were short of work, would suggest that the industrial rivalry of the towns and country districts is older than historians of the cloth trade seem to have recognized. Incidentally, it is an additional proof of the size and importance of the textile manufacture. There are signs that the woollen industry was spreading also in the villages of Gloucestershire, Somersetshire and Hampshire; thus there were fullers at Clively and Hawkesbury, weavers at Cheltenham and Dunster, and fulling mills at Waltham, Sutton and Alresford[4]. In Norfolk the worsted trade was established at Worstead and Aylsham. Norwich itself had not yet become the seat of a weaving industry but traded in leather and leather goods, although the French chronicler, Jordan Fantosme, explains the easy capture of the city by rebels in 1174 on the ground that the men of Norwich "for the most part were weavers; they knew not how to bear arms in knightly wise". However this may be, a number of inhabitants were engaged in the finishing processes of the woollen industry, fulling and dyeing[5]. In Suffolk[6] we find mention of fullers at Bury St. Edmunds, cloth-dealers, dyers and weavers at Ipswich,

[1] *Patent Rolls*, 1345–1348, p. 199. See Farrer, *Early Yorkshire Charters*, i. 263, for Henry II.'s charter to the weavers of York.

[2] *Vict. County Hist. Yorkshire*, ii. 407-408. Bradford had a fulling mill in 1311 worth 20s. a year: James, *History of Bradford*, 61.

[3] *Records of Leicester*, i. 105.

[4] For Clively, Hawkesbury and Cheltenham: *Vict. County Hist. Gloucestershire*, ii. 157. For Dunster: *Vict. County Hist. Somersetshire*, ii. 407. For Waltham, etc.: *Vict. County Hist. Hampshire*, v. 478.

[5] For the worsted trade, see *infra*, p. 430; and for Norwich, *Records*, ii. pp. xii, xxii-xxiii. A weaver at Norwich is mentioned in the leet rolls in 1289: Hudson, *Leet Jurisdiction*, 30.

[6] For Bury: *Chronica Jocelini*, 76. For Blackbourne: Powell, *A Suffolk Hundred in 1283*, p. xxi. For Ipswich: *Proceedings of the Suffolk Institute of Archæology*, xii. part ii. 137-157.

and textile workers at Blackbourne. The existence of a cloth manufacture in Lancashire is shown by the erection of fulling mills on the Irk at Manchester[1], and at Colne and Burnley[2], while the Boldon Book of Durham refers to the dyers of Darlington[3]. Cloth-makers from Bruges are said to have settled in Essex early in the fourteenth century; and at Colchester the cloth industry already absorbed the chief energies of its inhabitants, another centre being Coggeshall[4]. Oxford held the leading position in its own county, but Woodstock[5] also could boast a weaver, dyer and tailor, while weavers figure early in the list of burgesses at Wallingford in Berkshire[6]. Even in the west of England the cloth trade had gained a footing and was rapidly developed. At Bridgnorth in Shropshire the jury complained, as early as 1203, that the assize of cloth was not held in the borough[7]. At Bristol, according to the tallage roll for 1312, nearly one-fifth of the townspeople were connected with the woollen industry[8], and part of the High Street was termed the Drapery[9]. At Cirencester, where there were weavers and dyers in the time of Henry III., Cheaping Street became known as Dyers' Street[10], and there was a Fullers' Street at Tewkesbury[11]. Finally, there were weavers and dyers at Worcester and Evesham[12], and some indications also of a cloth trade at Cardiff[13].

Twelfth-century fabrics.

Altogether our evidence tends to show that a woollen manufacture was carried on in most parts of the realm at an early period, and we shall also see that many local varieties had gained reputation. At the same time we are not without some knowledge of the different fabrics manu-

[1] Harland, *Mamecestre*, i. 143; its value in 1282 was 26s. 8d.
[2] *Vict. County Hist. Lancaster*, ii. 376. [3] *Domesday* iv. 582.
[4] *Vict. County Hist. Essex*, ii. 381, 382. For Coggeshall and other centres, see *infra*, p. 396. [5] Ballard, *Chronicles of Woodstock*, 9.
[6] *Hist. MSS. Comm.* 6th Rep. App. 572. In 1227 it contained 4 weavers and 5 fullers: *ibid.* 576. The vill of Battle also contained its weaver in the twelfth century: *English Hist. Review*, xxix. 429.
[7] Eyton, *Antiquities of Shropshire*, i. 298.
[8] E. A. Fuller, "The Tallage of 6 Edw. II.", in *Trans. Bristol and Glouc. Archæol. Soc.* xix. part ii. 219.
[9] Latimer, *Merchant Venturers*, 10.
[10] *Trans. Bristol and Glouc. Archæol. Soc.* ix. part i. 319.
[11] "Annales de Theokesberia", in *Annales Monastici*, i. 160.
[12] *Vict. County Hist. Worcestershire*, ii. 283.
[13] *Records of Cardiff*, i. 11.

factured in England in the twelfth century, and their relative values. In 1182 the sheriff of Lincolnshire purchased cloth for the king's need: and the Pipe Roll, on which the account was entered, shows that an ell of 'scarlet' cost six and eightpence, an ell of blanket three shillings, green say three shillings, and grey say one and eightpence. The appearance of the word *blanket* discloses an earlier use of the term than has hitherto been known[1].

Assize of cloth.

The interest taken by the government in the manufacture of cloth is shown by Richard I.'s famous assize (1197) fixing statutory measures, and assigning four or six men in each borough to compel obedience to its regulations. In practice, however, the assize appears to have been evaded by the payment of fines *ad opus regis, ad damnum multorum*[2]; and in 1202 a large number of towns, including Nottingham, Stamford, Beverley and Lincoln, purchased the right to "buy and sell dyed cloth as they were wont to do in the time of King Henry"[3]. At the end of John's reign, Magna Carta again enjoined that there should be "one width of cloth, whether dyed, russet or halberget, to wit, two ells within the lists"[4]. Even London, Norwich and Bristol[5] were induced to moderate their jealousy of foreign traders, in order to encourage the importation of woad for purposes of dyeing; and large sums were paid as custom-duty[6]. In spite, then, of the scanty

[1] *Pipe Roll*, 28 Hen. II. (vol. xxxi. 50). This is 120 years earlier than the date given in Murray's *Dictionary*, *cit.* Ashley, *Economic History*, ii. 247. There were two blanket-makers in Bristol in 1312: *Trans. Bristol and Glouc. Archæol. Soc.* xix. part ii. 217. This completely disposes of the belief that blanket "was named after its first maker Thomas Blanket": Pryce, *Memorials of the Canynges' Family*, 51, 54. For Thomas Blanket, see *infra*, p. 413.

[2] Hoveden, iv. 33 and 172.

[3] Madox, *Exchequer*, 324. This point has been much misunderstood. Many writers have taken it to mean (i.) that the importation of foreign cloth had been forbidden in order to encourage the native industry, and that the trading towns now bought licences freeing them from the prohibition; or (ii.) that it was an attempt on the part of the ruling classes in the town to acquire the monopoly of the sale of cloth.

[4] *Magna Carta*, c. xxxv. According to the *De Antiquis Legibus Liber*, 125, it was enacted in 1269 that imported cloth should be 1½ ells in width and 26 ells in length.

[5] For London and Norwich, see *infra*, p. 450. At Bristol (1266) merchants of woad could tarry more than forty days on payment of a fine: *Charter Rolls*, ii. 62.

[6] In 1197 London paid £96 for licence to import woad: Madox, *Exchequer*, 531. In 1214 the duty paid in Kent and Sussex (except Dover) was £103, and at the ports of Yorkshire £98: *ibid.* 530.

nature of the evidence, we are justified in asserting that long before the immigration of Flemish artisans under Edward III. large quantities of cloth were worked up for a market in numerous parts of the country during the twelfth and thirteenth centuries, and that weaving was carried on as a trade and not merely as a family or household occupation. This fact—of which many writers have lost sight—was long ago recognized by Chief Justice Hale who, writing in 1677, remarked: "In the time of Henry II. and Richard I. this kingdom greatly flourished in that art", namely, woollen cloth, though in subsequent reigns it decayed, until Edward III. by "his fair treating of foreign artists . . . regained that art hither again". Hale added the salutary warning that "we are not to conclude every new appearance of any art or science is the first production of it"[1]. How far the native supply met the demands of the home market we have no means of determining. Some of the finer fabrics were undoubtedly of foreign origin[2], but it is erroneous to suppose that English cloths were not manufactured for export. The cloths of Stamford found a market even at Venice as early as 1265, and the tariff of duties imposed by the Venetian council on 'Milanese Stamfords' indicates that the cloth had gained a European reputation, since it was found worth while to imitate it[3]. Many other local varieties were also exported, for in 1272 some Spanish merchants were robbed of merchandise[4] which included cloths of Stamford, Beverley and York; and we have other evidence that English cloth was exported to Spain about this time[5]. The Domesday Book of Ipswich enumerates some of the "cloths of England", which were bought in the country and came into merchants'

Export of English cloth.

[1] Sir Matthew Hale, *The Primitive Organization of Mankind* (1677), 161.

[2] *Patent Rolls*, 1258–1266, p. 251; *ibid.* 1317–1321, pp. 129, 390. According to an old Exchequer account assigned to 28 Edw. III., the value of imported cloth was three times that of exported cloth: E. Misselden, *The Circle of Commerce* (1623), 119.

[3] *Cal. Venetian State Papers*, i. 2.

[4] *Vict. County Hist. Yorkshire*, ii. 407.

[5] F. D. Swift, *James the First of Aragon* (1894), 229 *n.*, quotes a charter to certain merchants containing the following proviso: "Sit pannus integer de uno capite ad aliud, quod non habeant modo toltum de longo, exceptis Stamfortis pilosis et tota draperia de Anglia". Cloth also seems to have been exported to Ireland in the twelfth century: Macpherson, *Annals of Commerce*, i. 345. The statement in Ashley, *Economic History*, ii. 193, that "no cloth was manufactured for export" needs to be modified.

hands at Ipswich, where they paid export duty "for to pass from the quay to the parts of the sea". The list contains the coloured cloths of Beverley and Lincoln, and cloths of Coggeshall, Colchester, Maldon and Sudbury[1]. These finer English cloths were also bought for the king's wardrobe; for example, in 1233 the king made large purchases of cloth from Lincoln, York, Beverley and Leicester[2].

Attempts to foster a native industry in the thirteenth century.

In 1258 the Oxford Parliament prohibited the export of wool, and ordered that "the wool of the country should be worked up in England and not be sold to foreigners, and that everyone should use woollen cloth made within the country"[3]. It is difficult to determine how far the government was actuated by a real desire to promote the interests of the native workers, and how far it used its control of the wool supply merely as a weapon in its diplomatic relations with the Flemings. Thus in 1271 the export of wool was again forbidden, but the motive here was undoubtedly political. In the previous year the countess of Flanders had seized the possessions of English merchants in Flanders in repayment of a debt claimed from the English king. The government by way of reprisal prohibited the export of wool to Flanders, but finding that wool continued to be sent thither forbade all export abroad. At the same time it embarked upon a policy, the full significance of which only became apparent in the reign of Edward III. It promised that "all workers of woollen cloths, male and female, as well of Flanders as of other lands, may safely come into our realm there to make cloths — upon the understanding that those who shall so come and make such cloths, shall be quit of toll and tallage and of payment of other customs for their work until the end of five years"[4]. But the project of stimulating the native industry does not appear to have borne fruit; and later in the year at the instance of the king of France, the

[1] *Black Book of the Admiralty*, ii. 187 and 197.

[2] *Patent Rolls*, 1232–1247, p. 23. In 1184 cloth was purchased for the king's need in Lincolnshire: *Pipe Roll*, 30 Hen. II. (vol. xxxiii. 14). For purchases made in 1182, see *supra*, p. 394.

[3] Walter Hemingburgh (ed. 1848), i. 306; Macpherson, *Annals of Commerce*, i. 412.

[4] *De Antiquis Legibus Liber*, 126, 127, 135-137; Riley, *Chronicles of London*, 132, 141, 142.

duke of Brabant and other princes, it was expressly abandoned, the export of wool abroad being allowed except to Flanders[1]. None the less it serves to show that the design of introducing foreign weavers into England did not originate with Edward III., but was already present to the minds of English rulers at least two generations before.

Decay of the woollen industry.

Whatever may have been the condition of the English woollen industry in earlier times, there are clear indications that in the early part of the fourteenth century it had already begun to decay. In the time of King John the weavers of Oxford had been sixty " and more " in number[2]; in 1275 they were reduced to fifteen[3], in 1290 to seven[4], and in 1323[5] all the Oxford weavers were dead and none had taken their place. The weavers of York were in a similar plight; under Edward I. and Edward II. only thirteen[6] freemen were engaged in the cloth manufacture, and they were unable therefore to pay the weavers' farm of ten pounds for which they were liable[7]. The weavers of Lincoln declared in 1348 that under Henry II. they had numbered more than two hundred, and were a wealthy and powerful body which paid every year a farm of six pounds. In 1321 their payments came to an end, since there were now no weavers left in the city or its suburbs, though a few years later (1332) a handful of spinners were again to be found there[8]. Under Henry III. Northampton is said to have contained as many as three hundred cloth-workers, who paid a tax on each cloth as a contribution to the *firma burgi*; whereas in 1334 the town was unable to pay its farm, and the bailiffs who were responsible for it were impoverished and reduced to beggary[9]. In the case of Northampton the

[1] *Patent Rolls*, 1266–1272, p. 685. In 1274 certain merchants were arrested for shipping wool abroad, presumably to Flanders: *Fine Rolls*, i. 22, 25, 44. In 1277 merchants were required to take oath not to sell wool to Flanders: *Chancery Rolls Various*, 1277–1326, p. 1.

[2] *Patent Rolls*, 1272–1281, p. 102.

[3] *Ibid.* 102; Ogle, *Royal Letters Addressed to Oxford*, 14.

[4] *Collectanea* (Oxford Hist. Soc.), iii. 99, No. 19.

[5] *Ibid.* 123, No. 67.

[6] *Vict. County Hist. Yorkshire*, iii. 438.

[7] *Close Rolls*, 1272–1279, p. 166. Even at Manchester the fulling mill, worth 26s. 8d. a year in 1282, was worth half the sum in 1320: *Mamecestre*, ii. 315 (*n.* 56).

[8] *Patent Rolls*, 1348–1350, p. 120.

[9] *Rot. Parl.* ii. 85 *b*.

weavers, dyers and drapers are said[1] to have withdrawn from the town to escape its burdens because they were too heavily tallaged, but the fact that they were unable to support the taxes is itself an indication of declining trade. Even in London, according to the evidence laid before the justices in the famous *Iter* of 1321, the number of weaving looms had fallen from three hundred and eighty to eighty[2]. This, again, was attributed to the exclusive policy of the gild, which deliberately aimed at restricting its numbers. But while in one place or another particular causes operated to increase the strain or accelerate the decay, it is clear that there was a general decline of industry, in which all towns alike shared.

The industrial policy of Edward II.

The government of Edward II., to its credit, was not indifferent to the decay which had overtaken the cloth industry. In the Ordinance of the Staple it foreshadowed the lines of industrial policy afterwards pursued with signal success by Edward III. It enacted that no cloth which was not made in England, Wales, or Ireland, should be bought in this country except by the "king, queen, earls, barons, knights and ladies, and their children born in wedlock, archbishops, bishops, and other persons and people of Holy Church, and seculars who can spend forty pounds sterling a year of their rents"; the latter alone were allowed to purchase the finer fabrics imported from abroad. But the most significant part of the ordinance was the promise that, in order to encourage people to work upon cloths, the king would have all men know that he will grant suitable franchises to the fullers, weavers, dyers and other cloth-workers who live mainly by this mistery, whenever such franchises are asked for[3]. It would seem that Edward II. had definitely planned the settlement of alien artisans in England, and that his successor only carried out a design already set on foot. The ordinance awakened the appre-

[1] *Rot. Hund.* ii. 3. At Leicester the exactions laid on weavers and fullers drove them from the town; of the fullers it was said that "none remains in the town save one only, and he is poor": *English Economic History, Select Documents*, 131, 133.

[2] Riley, *Liber Custumarum*, i. 416-425.

[3] *Patent Rolls*, 1324–1327, p. 269; *ibid.* 1327–1330, p. 98.

hensions of foreign manufacturers, and the government took steps to prevent the export of materials for making cloth—teasels and fuller's earth—upon receiving information that Flemings, Brabanters and other aliens, "*endeavouring to hinder the making of cloth in the realm*", had "been suddenly buying throughout our land all the teasels that they can find; and also are buying *burs*, madder, woad, fuller's earth, and all other things which pertain to the working of cloth, in order that they may disturb the staple and the common profit of our realm" [1].

The immigration of Flemish weavers.

The reign of Edward III. was a great landmark in the history of the English cloth trade, but to interpret his work aright we must bear in mind that Edward did not create a new industry [2], but revived an old one. His measures were taken, as he himself states, "in view of the *decay* of the art of weaving" [3]. Now the only way in which a native cloth manufacture could be successfully fostered was by inducing foreign craftsmen to settle in this country, and impart their technical skill and knowledge to English artisans. Political and economic unrest in Flanders facilitated the emigration of weavers, and in 1331 Edward granted letters of protection to John Kempe of Flanders, "weaver of woollen cloths", and to "the men, servants and apprentices", whom he had brought with him to exercise his craft in England [4]. At the same time he offered similar letters to all weavers and other workers of cloth, who came from over the sea with their goods and belongings to ply their mistery within the realm. In 1337 a statute promised the most liberal franchises and 'fair treating': "all the cloth-workers of strange lands, of whatsoever country they be, which will come into England, Ireland, Wales and Scotland, within the king's power, shall come safely and surely, and shall be in the king's protection

[1] *Close Rolls*, 1323–1327, p. 565; Riley, *Memorials*, 149-150.

[2] Cf. the following passage in a charter of James I. (1616): "As the reducing of wools into clothing was the act of our noble progenitor, King Edward the Third": *Select Charters of Trading Companies* (Seld. Soc. Pub.), 78. "This year the art of weaving woollen cloth was brought from Flanders into England by John Kempe": Rapin, *History of England* (ed. 1784), i. 382 (*n.* x.). Similarly Hume, *History of England* (ed. 1823), ii. 495.

[3] *Patent Rolls*, 1330–1334, p. 362.

[4] Rymer (R. ed.), ii. part ii. 823 and 849.

and safe-conduct, to dwell in the same lands choosing where they will; and to the intent that the said cloth-workers shall have the greater will to come and dwell here, our sovereign lord the king will grant them franchises as many and such as may suffice them" [1]. Letters of safe-conduct were also given to cloth-workers from Zeeland [2] and Brabant [3], and we find weavers, dyers and fullers settled in London [4], York, Winchester [5], Norwich [6], Bristol [7] and Abingdon [8]. Large numbers of Flemings resided at York and were enrolled among the freemen of the city, while the poll-tax returns of 1379 show that they were also distributed throughout the West Riding of Yorkshire [9].

State protection of industry under Edward III.

Edward's experiment was attended with complete success, and in 1613 an old writer was able to say that the English cloth-makers had grown so "perfect in this mistery . . . that it is at this instant the glory of our traffic and maintenance of our poor, many hundred thousands depending wholly on the same, chief pillar to our prince's revenue, the life of our merchant, the living of our clothier" [10]. Not only did Edward encourage the settlement of alien craftsmen, he also took steps to protect the native industry from foreign competition and to ensure an adequate supply of raw material. In 1332 he revived for a period of two years the prohibition against the use of imported cloth, unless the wearer owned a hundred marks of land or rent [11]. In 1337 the importation of foreign cloth was forbidden by statute, and the use of native cloth was enjoined on all without exception; at the same time the export of wool was prohibited. These restrictions are contained in the same

[1] *Statutes*, i. 281.
[2] *Patent Rolls*, 1334–1338, p. 431.
[3] *Ibid.* 341; they settled in York.
[4] *Ibid.* 1377–1381, p. 67.
[5] *Ibid.* 1334–1338, p. 500; *Close Rolls*, 1337–1339, p. 158.
[6] *Records of Norwich*, ii. p. lxvii.
[7] The workmen employed by Thomas Blanket and other citizens in 1339 (Rymer, ii. part ii. 1098) *may* have been aliens; see *infra*, p. 413.
[8] *Patent Rolls*, 1343–1345, p. 115. For Taunton, see *Vict. County Hist. Somersetshire*, ii. 407.
[9] *York Memorandum Book*, i. p. xxx; *Vict. County Hist. Yorkshire*, iii. 439-440.
[10] John May, *A Declaration of the Estate of Clothing now used within this Realm of England. With an Apology for the Alnager* (1613), 3. Cf. the account given by Fuller, *Church History* (1868), i. 488-489.
[11] *Patent Rolls*, 1330–1334, p. 362.

statute [1] which promised lavish favours to alien settlers, and must be regarded therefore, not as the product of political exigencies, but as part of a comprehensive design to establish the English cloth trade on a firm footing. They were not, however, permanently enforced; Edward's financial straits cut athwart the adoption of a consistent policy, and the very next year he granted a licence to the merchants of Louvain to export wool and import cloth [2]. In 1347 the export of wool was freely allowed [3], but at the close of the reign the Good Parliament (1376) [4] again renewed the demand that woollen yarn should be employed in cloth-making at home and not sent abroad, while in 1377 it was also ordered that no woollen cloth should be transported before it had been fulled [5]. Thus under Edward III. we have all the elements of a protectionist policy which was fitfully maintained throughout the Middle Ages.

Richard II. allowed the export of wool except to France [6], and it was amongst the charges brought against the Lancastrian government by Yorkist partisans that wool had "course and passage out of the realm, wherefore all strangers take but little reward to buy our English cloth but make it themselves" [7]. A fifteenth-century writer, George Ashby, urged upon the ill-fated Prince Edward the advice that: *and his successors.*

> "If ye will bring up again cloth-making,
> And keep your Commons out of idleness,
> Ye shall therefore have many a blessing
> And put the poor people in business" [8].

Edward IV., who anticipated the Tudors in his active efforts to advance the welfare of the middle classes, reverted to a policy of protection: "Because that the chief and principal commodity of this realm of England consisteth in the wools growing within the said realm, and to the intent

[1] *Statutes*, i. 280.
[2] Rymer, ii. part ii. 1057. The Flemings were granted a similar licence in 1340: *Letter Book F*, 50.
[3] *Rot. Parl.* ii. 168 *a* and 201 *b*.
[4] *Ibid.* ii. 353 *a*.
[5] *Ibid.* ii. 369 *b*; *Statutes*, i. 398.
[6] *Statutes*, ii. 24.
[7] C. L. Kingsford, *English Historical Literature in the Fifteenth Century* (1913), App. xi.; *A Yorkist Collection*, "Commercial Grievances", p. 363. For the complaint of the wool merchants, see *infra*, p. 469.
[8] *George Ashby's Poems*, ed. M. Bateson (1899), 26.

that sufficient plenty of the said wools may continually abide and remain within the realm as may competently and reasonably serve for the occupation of cloth-makers of England, and of all the members and branches of the same", therefore aliens were not to export wool to foreign countries [1]. The following year (1464) the importation of foreign cloth was also forbidden [2], and in 1467 the series of enactments was completed by a prohibition—afterwards confirmed by Henry VII. and his successors—against the export of raw, unfulled cloth in order that the king's customs might be increased and weavers and fullers of the realm well occupied [3]. In these various ways, by prohibiting the import of manufactured goods and the export of raw material, the government fostered the growth of the English clothing industry. Its measures, while often merely tentative and sometimes dictated by sheer political considerations, mark nevertheless the definite adoption of an industrial protective policy, which gradually crystallized in the famous mercantile system. This policy of state protection was in essence an extension of the spirit which had led the burghers of each mediaeval town to set up commercial barriers against every other town. The instinct to protection from being civic had become national.

Progress of the cloth trade.

Edward III. had made a strenuous attempt to transform England from a land of agricultural labourers into a land of industrial artisans, and his efforts to develop a native cloth manufacture were rewarded with surprising success. One proof of its progress during his reign is that woollen cloth was being exported in sufficient quantity to make it worth while, in 1347 [4], to impose custom duties upon it. The Commons petitioned that "the new custom lately set" might be taken away [5]. But the reply was unfavourable. "The king, prelates, earls and great men will that this custom should stand; for it is good reason that such a

[1] *Statutes*, ii. 392.
[2] *Ibid.* ii. 406.
[3] *Ibid.* ii. 422. Confirmed 1487 (*ibid.* ii. 520); and 1512 (*ibid.* iii. 29).
[4] *Patent Rolls*, 1345–1348, p. 424. The customs imposed on woollen cloths exported from England were (1) 14d. from denizens and 21d. from aliens on every cloth of assize; (2) 1d. and 1½d. on worsted cloth. Calais was made the staple for exported cloth in 1348: Rymer, iii. part i. 158.
[5] *Rot. Parl.* ii. 168 *b*.

profit be taken of cloth wrought within this realm and carried forth out of the land, as a profit is taken of wools that are carried forth". The king could also have added that English cloth had paid export duty in earlier reigns[1]. None the less the exporters of cloth had an enormous advantage, for while wool was ultimately burdened with a toll of 33 per cent., cloth paid less than two[2]. The evidence of statistics serves to show how abundantly this progress was maintained during the fifteenth and sixteenth centuries. In Edward III.'s reign about thirty thousand sacks of wool would appear to have been sent abroad year by year, but a century and a half later this number so far from increasing had fallen to a quarter, and some years later to a sixth[3]. Nor was this extraordinary shrinkage due to any curtailment of the area devoted to the growth of wool. On the contrary, it was contemporaneous with the great agrarian movement which was covering England with sheep-farms in place of corn-fields. But wool was now being supplied to the home market; it went to meet the demands of the native clothing industry, the growth of which is one of the most striking economic phenomena of the later Middle Ages. The figures which illustrate the expansion of the cloth trade are in remarkable contrast with those of the wool trade. In 1355, according to an old account preserved by Misselden[4], between five and six thousand cloths were exported. At the end of the fifteenth century, the Merchant Adventurers alone were exporting annually some 60,000 cloths; in 1509 the number had risen to 84,789, and in 1547 to 122,354[5]. These figures afford eloquent testimony to the progress of a revolution which was converting England into an industrial country, whose staple export was no longer raw material but manufactured commodities[6].

[1] *Supra*, p. 396. [2] Schanz, *Englische Handelspolitik*, ii. 6.

[3] *Ibid.* ii. 15.

[4] *Circle of Commerce*, 119. The date is given as 28 Edw. III.; and the figures are as follows: (*a*) Exports: 31,651½ sacks of wool, value £6 per sack; 4774½ cloths, value 40s. each; 8061½ worsted cloths, value 16s. 8d. each. (*b*) Imports: 1832 cloths, value £6 each. [5] Schanz, *op. cit.* ii. 18.

[6] A financial statement drawn up in 1547, though based on different figures, arrives at a similar conclusion. See the extract from *A Remem-*

Prosperity of the towns.

The advent of a manufacturing class was fraught with untold economic significance. It is reflected especially in the new sense of power and growing wealth of the towns. In 1414 the inhabitants of Rye [1] mustered only a few shillings between them, while before the century had closed the town could boast of no less than five burgesses worth four hundred pounds each. A view of arms was held at Bridport in 1319 and again in 1457, and the contrast between the two periods enables us to measure the marked advance which the town had made in prosperity [2]. Of the growing wealth of the country there is striking testimony in the words of a Venetian, who wrote at the end of the fifteenth century. "In one single street named the Strand leading to St. Paul's", he tells us, "there are fifty-two goldsmiths' shops so rich and full of silver vessels, great and small, that in all the shops in Milan, Rome, Venice and Florence put together, I do not think there would be found so many of the magnificence that are to be seen in London" [3]. Everywhere a class of rich burgesses came into existence, whose houses and plate and tapestry all bore witness to their material progress. In the graduated poll-tax of 1379 the mayor of London was assessed on a level with an earl (four pounds); the aldermen of London and the mayors of large towns like barons (two pounds), great merchants at a pound, and smaller merchants at a mark or less [4]. Their prosperity was evinced also in a display of public spirit such as marked the best days of the Roman Empire, in the foundation of hospitals and schools, the repair of roads and bridges, and many other spheres of public utility. A clothier was the founder of Manchester Grammar School [5], while a burgess of Gloucester

brance to my Lord Protector's Grace (1547) printed in the Appendix to H. Atton and H. H. Holland, *The King's Customs* (1908), i. 456. According to the figures here given, the exports in 28 Edw. III. were 34,760 sacks of wool (on which the custom and subsidy amounted to £69,558) and 2483 cloths (on which the custom was £144). In 38 Hen. VIII. denizens exported 1136 sacks (custom, etc., producing £2272), and foreigners exported 419 sacks (producing £1625 : 3 : 4); further, 172,017 cloths (producing £10,056 : 13 : 2) were exported.

[1] Green, *Town Life*, i. 17.

[2] *Hist. MSS. Comm.* 6th Rep. App. 491, 493. In 1319 the possessions of the richest inhabitant amounted only to £4 : 8s. : *ibid.* 491.

[3] *Italian Relation of England*, 42.

[4] *Rot. Parl.* iii. 57 *b*.

[5] Green, *Town Life*, ii. 17.

in 1451 bequeathed a sum of five hundred pounds to be employed in loans to poor men and " young beginning men in merchandises of the town of Gloucester "[1]. At a later period a merchant tailor bequeathed money " to succour young men which are full minded to make cloth within the town " of Bristol[2]. The reign of Henry VI. was specially noteworthy for the benefactions of wealthy London citizens. Richard Whittington[3] and William Eastfield[4]—both members of the Mercers' gild—devoted their wealth, the one to the Guildhall and its library and to rebuilding Newgate, the other to supplying the city with water; and another citizen, Simon Eyre, erected at Leadenhall a granary for the storage of corn against times of scarcity[5]. Many magnificent churches built by wealthy clothiers still cover the country-side, though the prosperity to which they once bore witness has long passed away to other centres of industrial activity[6]. Signs of industrial wealth meet us in fact on every hand, in the erection of churches and common halls, market crosses and paved streets, gates, bridges and harbours[7]. The towns were now in a position also to lend money to the king, a further indication of their progress. Edward II. had borrowed from London as early as 1318[8], but Edward III. and his successors borrowed from other towns[9].

The aulnage.

Throughout the greater part of the Middle Ages, industry and commerce were left on the whole in the hands of local

[1] *Gloucester Corporation Records*, 398. [2] *Ricart's Kalendar*, 53 (1534).
[3] *Letter Book K*, 49, 53. For Whittington's will, see Sharpe, *Calendar of Wills*, ii. 432. [4] *Letter Book K*, 356. [5] *Ibid.* 313.
[6] Examples of churches built, or added to, by clothiers are Steeple Ashton (Leland's *Itinerary*, v. 83), Newbury, Lavenham (*infra*, pp. 419, 421).
[7] Green, *Town Life*, i. 13. Mrs. Green has painted the history of fifteenth-century towns in glowing colours, but there is also another side to the picture to be taken into account. Many towns appear to have declined in prosperity, judging for example by (*a*) remissions of the *firma burgi* (*supra*, p. 192), and (*b*) remissions of the tenths (*infra*, p. 520).
[8] *Patent Rolls*, 1317–1321, p. 110.
[9] Edward III. borrowed " quinquaginta libras " in 1351 from Hereford: *Hist. MSS. Comm.* 13th Rep. App. iv. p. 298. In 1376 several towns petitioned for the repayment of their loans to the Crown: *Rot. Parl.* ii. 347 *a*. For the list of towns subscribing to loans in 1378, 1386 and 1394, see Macpherson, *Annals of Commerce*, i. 588, 598, 608. For loans from Bristol, see Pryce, *Canynges' Family*, 62, 85. For loans from Coventry, see *Leet Book*, iv. p. xlvii. Also see Abram, *Social England*, 66-67.

authorities. The cloth manufacture was the first branch of industry to be subjected to national control and a uniform system of regulation, an indication of its importance as a source of revenue to the king and of wealth to his subjects. A seventeenth-century writer, John May, who was himself an aulnager's deputy, enumerates the deceits practised in the woollen industry in his day[1]: the mingling of different kinds of wool which made the cloth uneven, and the deceits in the weaving, making, dressing and dyeing of cloth. The anxiety of the government to maintain a high standard of quality led to the institution of the office of the aulnage, which was already in existence under Edward I.[2] An early statute (1323) ordered that the warden of the aulnage should deliver yearly to the Exchequer the estreats (rate rolls) of his office, containing "all the defaults which he hath found of cloths throughout the realm"[3]. But the control of the government was irksome to the trading classes, and when Edward II. ordered the mayor of London to proclaim that no merchant should sell cloth until it had been measured by the aulnager, John Pecock, the citizens opposed his authority on the ground that it infringed the liberties of the city, and refused to let the proclamation be made[4]. Until native cloth was manufactured in England on a large scale, the aulnager was concerned with the supervision of imported cloth. His functions were to test both the measurements and quality of each piece of cloth, to affix his seal when the cloth was sound and confiscate it when defective, and so ensure uniformity of "length, breadth, weight and goodness"[5]. At first the aulnager received an allowance from the Exchequer[6], but by an act of Edward III. he was given a fee of a halfpenny on every whole cloth and a farthing on every half cloth, and was also appointed to collect the customs levied on it[7]. He was allowed to depute his office to others with the king's assent[8], but was required to answer for his deputies as for himself[9]. Complaints were some-

[1] *A Declaration of the Estate of Clothing*, 24.
[2] Madox, *Exchequer*, 538.
[3] *Statutes*, i. 192.
[4] *Letter Book E*, 53.
[5] May, *op. cit.* 9, 16.
[6] *Ibid.* 9.
[7] *Statutes*, i. 330.
[8] *E.g. Patent Rolls*, 1345–1348, p. 265; *ibid.* 1348–1350, p. 41.
[9] *Rot. Parl.* ii. 231 *b* (1351).

times made that the aulnagers sealed defective cloths "to the deceit of the people and the very great scandal of the king", and it was ordered (1378) that they should be punished with the loss of their office[1].

The assize of cloth.

The policy of the government, however, was not consistent. Of Richard I.'s assize of cloth we have already spoken, and the principle which it embodied was also laid down in Magna Carta. Edward II., in the Ordinance of the Staple drawn up at the end of his reign and published by his successor, allowed cloths to be made of any length[2]; but the following year (1328) the assize of cloth was revived[3]. In 1337, as a concession to the immigrant weavers, it was again repeated that "a man may make the cloths as long and as short as a man will"[4]. Imported cloth, however, was still required to be of the legal measurement, for in 1338 Ghent—whose favour Edward was anxious to conciliate for reasons connected with his foreign policy—was allowed the special privilege that cloths made and sealed there should not be "intermeddled with" by the aulnager[5]. Subsequently, Edward reverted to the older system and restored the assize in 1351[6]. But the drapers of London complained that they had cloth left on their hands unsold which apparently was "not of due length and breadth", and they sought licence to sell it although it was not in accordance with the legal requirements[7]. In 1353 the Commons prayed the king to abolish the office of aulnager on the ground that it was to the damage of all the king's realm, and they promised to recompense the king so that he should not be a loser thereby[8]. It was said that merchants refused to come to England since their cloth was liable to forfeiture, if it did not correspond with the assize. The king was anxious, for the success of the staple which was being set up in England, to remove every pretext which might keep foreign traders from frequenting English markets. Accordingly, it was ordered that no cloth whatever its size should be forfeited, but that the aulnager was to measure the cloth

[1] *Rot. Parl.* iii. 81 *b*, 82 *a*.
[2] *Supra*, pp. 394, 398.
[3] *Statutes*, i. 260.
[4] *Ibid.* i. 280.
[5] *Patent Rolls*, 1338–1340, p. 190.
[6] *Statutes*, i. 314.
[7] *Letter Book F*, 230.
[8] *Rot. Parl.* ii. 252 *b*.

and mark it, " by which mark a man may know how much the cloth containeth " and the price he should pay[1]. But the concession to alien merchants was only a temporary expedient and did not mark a permanent change in the attitude of the government, for in 1373 the assize[2] was revived and in the reign of Richard II. was several times confirmed[3]. In 1394 the traditional policy of standard measurements was again for the moment abandoned: " Every man of the realm may make and put to sale and sell cloths . . . of such length and breadth as him pleases . . . notwithstanding any statute . . . made to the contrary "[4]. Under Henry IV. the same vacillating policy was pursued, until the assize was confirmed in 1411[5].

Blackwell Hall.

Apart from the functions comprised in the office of the aulnager, special conditions regulated the sale of cloth in each locality. When commodities were sold secretly the king was apt to go without his customs[6]. In the interests, therefore, of the royal revenue a public place was appointed, at which cloth was warehoused and exposed for sale on fixed days in the week. This also served to prevent " disorderly and deceitful bargains against the franchise and liberties of the city "[7], a reference doubtless to the prohibition against strangers selling cloth either in retail or to non-burgesses. In London Blackwell Hall, a name corrupted from Bakewell Hall[8], became the famous centre of the cloth trade, and here was held a weekly market for the sale of cloth brought by country clothiers to the city. It was purchased by the ' mayor and commonalty ' in 1396[9], and in the following year strangers were bidden to house their cloth at Blackwell Hall and nowhere else, and to sell only between the

[1] *Statutes*, i. 330.
[2] *Ibid.* i. 395.
[3] *E.g.* 1380, 1383, 1388: *ibid.* ii. 13, 33, 60.
[4] *Ibid.* ii. 88.
[5] 1406 (*ibid.* ii. 154) the assize was confirmed; 1407 (ii. 160) repealed; 1410 (ii. 163) re-enacted; and in 1411 (ii. 168) again confirmed. See also *ibid.* ii. 284. Elaborate regulations touching the sizes of cloth were laid down in 1465 (ii. 403), and in 1552 (iv. 136). The assize was also supplemented by local regulations, *e.g.* at Coventry: *Leet Book*, iii. 776.
[6] Compare *Little Red Book of Bristol*, ii. 71.
[7] Riley, *Memorials*, 550. Compare *Records of Norwich*, ii. 92; and *Statutes*, ii. 153, where wholesale dealing in cloth is alone permitted.
[8] Stow, *Survey of London*, i. 288.
[9] *Ibid.* ii. 337; according to the editor the date given by Stow (20 Ric. II.) should be 19 Ric. II.

hours of eleven A.M. on Thursday and eleven A.M. on Saturday[1]. Previously they had been required to bring their cloth "to one of the three recognized warehouses"[2]. In 1405 the drapers were empowered to appoint a keeper of the hall[3], but it was easier to establish ordinances than to enforce them, and complaints were raised that woollen cloth was sold "in many secret places"[4]. How unwilling were the country clothiers to comply with these ordinances may be gathered from the record, which has been preserved, of a controversy between London and the citizens of Norwich over the sale of cloth. In 1576 London ordered that the new draperies coming from Norwich must not be taken to private houses, but should be carried to Worsted Hall, "and there to be sold at certain days and hours and not elsewhere, imposing also certain rates and sums of money upon the said commodities never before paid or required". Norwich forbade its citizens to submit and appealed to the privy council, which decided that "the citizens of Norwich should continue their trade of occupying and buying and selling of their wares in the city of London as they had been accustomed, without any exaction or innovation to be offered by them of London"[5]. Not only in London but in other towns also, an institution corresponding to Blackwell Hall existed, and a separate place was set aside for the sale of cloth. Norwich[6] had its "Worsted Seld" where cloth was exposed every day in the week, Bristol[7] its Saturday market in Touker Street, York[8] its Thursday Market, Ipswich[9] its Moot Hall, Lincoln[10] its Cloth Market, Southampton[11] its Cloth Hall, Beverley its Common Hall[12], and Coventry[13], Northampton[14] and Winchester[15] their Drapery.

[1] *Letter Book H*, 449. [2] *Ibid.* 91 (1378). [3] *Letter Book I*, 41.
[4] *Letter Book K*, 342 (1451). [5] *Records of Norwich*, ii. 144, 268.
[6] *Ibid.* ii. 90 (1440), 92. [7] *Little Red Book*, ii. 54 (1370).
[8] Drake, *Eboracum*, 214 (1550). 'Thursday Market' was the name given to the chief market in York: *ibid.* 323.
[9] Wodderspoon, *Memorials of Ipswich*, 198, 277.
[10] *Charter Rolls*, i. 467 (1257).
[11] *Oak Book*, i. 160. [12] *Beverley Town Documents*, 106 (1561).
[13] *Leet Book*, i. 100 (1425).
[14] *Vict. County Hist. Northamptonshire*, ii. 332 (*temp.* John).
[15] *Patent Rolls*, 1292–1301, p. 305 (1297). At Worcester (Smith, *English Gilds*, 384) wool and leather were sold in the gild-hall, so that cloth

The alien weavers.

The expansion of the cloth trade brought with it new problems and new methods in the economic organization of industry. The foreign weavers were empowered by the king in 1352 to organize themselves into a separate gild, with two wardens at their head to supervise their work and exercise coercive jurisdiction over their members[1]. They made apparently no attempt to evade the authority of the magistrates, for in 1362 they sought the sanction of the mayor and aldermen of London for their ordinances by which they regulated the rule of their craft; and again in 1366 they presented their ordinances for approval[2]. In 1370 the Flemish weavers petitioned the mayor that they might hold their meetings for hiring servants apart from the weavers of Brabant owing to friction between the two groups, "because that the Flemings and Brabanters were wont to fight and make very great affray in the city". Accordingly, it was ordered that the Flemish weavers who sought employment should repair to the churchyard of St. Lawrence Pountenay, and those of Brabant to the churchyard of St. Mary Somerset; it was added that the serving-men of either nation could be hired by a weaver of the other nation[3]. But while the immigrant weavers thus proved amenable to the civic authorities, they refused to submit to the control of the native weavers or to enter their gild. The latter doubtless resented the rivalry of the newcomers who set at defiance their monopoly, and they could urge with some show of reason that those who shared their privileges should help to bear their burdens. This was the real source of the trouble. The English weavers were responsible for the payment of an annual farm to the Crown, from which aliens were exempt, and they claimed that the king ought either to discharge them from their liabilities or compel all weavers to join their gild and con-

may also have been sold there. Similarly Reading: *Records*, i. 427. Wallingford had a linen-market before the reign of Edward II. (*Hist. MSS. Comm.* 6th Rep. App. 572).

[1] *Letter Book G*, 130.

[2] Riley, *Memorials*, 306, 331; in 1366 the ordinances were presented by the *Flemish* weavers only. As early as 1347 the civic authorities had ordered them to be ruled in the same manner as denizen weavers: *Letter Book F*, 173.

[3] *Letter Book G*, 265; *Memorials*, 346.

tribute in proportion[1]. The king, however, intervened on behalf of the alien craftsmen, and in response to their petition issued letters patent (1352) that they should not be "in any way hindered from being—or in any manner compelled to be—of the gild of weavers in London, or of other weavers or native workers of cloths within the realm . . . against their will, nor may they be bound to contribute to any sums of money by reason of such like gild . . . on the pretence of charters or privileges previously granted to any persons"[2]. In 1378, when the agitation against aliens was at its height and foreign traders were being subjected to heavy disabilities, the London weavers seized the opportunity to renew their demands that the immigrants should be placed under their control, insinuating that they were "for the most part exiled from their own country as notorious malefactors"[3]. In the absence of any legal pretext, the authorities appear to have shrunk from infringing openly the royal charters granted by the Crown to foreign weavers, but they promised action in the event of a foreigner being convicted of some default in his trade. However, a few months later, the alien weavers—evidently finding it advisable to submit—agreed to make contribution to the farm which denizen weavers owed the king, according to the number and rate of their instruments. It was also arranged that denizens and aliens should meet every year six weeks before Michaelmas to make search touching the number of looms belonging to each group[4]. But the foreign weavers speedily repented of their hasty compliance, and in 1406[5] and 1414[6] the weavers of London had again occasion to complain in parliament that the aliens would contribute nothing to the farm of their gild. A few years later (1421), the alien weavers in their turn declared that they were "grievously persecuted and harassed" by the English weavers, who would not allow them to ply their craft in London and other towns, contrary to their charter which hitherto they had previously enjoyed[7].

[1] That this was their contention may be inferred not only from the course of events, but from the petition of the Lincoln weavers in 1348. *Patent Rolls*, 1348–1350, p. 120.

[2] Printed in *Records of Norwich*, ii. 330.

[3] *Letter Book H*, 94.

[4] *Ibid.* 151; *Patent Rolls*, 1377–1381, p. 452.

[5] *Rot. Parl.* iii. 600 *a*.

[6] *Ibid.* iv. 50 *a*.

[7] *Ibid.* iv. 162 *a*.

It is supposed [1] that the persistency of the native weavers eventually achieved its end, and that the aliens were forced to contribute to their farm. There appears, however, no clear evidence to show how or when this was brought about. In 1467 the farm of the London gild of weavers was greatly in arrears, and since its members were too poor to meet their liabilities the royal officers distrained upon the foreign weavers. The latter claimed immunity on the ground that they were not subject to the charges of the gild, and the action of the king's officers would seem to have been a violation of their privileges. Whether their action was upheld or not by the royal courts we are not told [2].

The advent of the capitalist.

A more important problem was the rise of a class of capitalists, which came into existence in the fourteenth century and became increasingly prominent as the Middle Ages drew to a close. We cannot, of course, assert that cloth-making was the earliest industry to be run on capitalist lines. The wage-system existed in the tin-mining industry from very early times, and one tinner had in his employment over three hundred workmen. The appearance of the capitalist employer was attended here also by complaints of capitalist exploitation. The large tin-producers, it was alleged, "usurped works and compelled stannary men to labour there for a penny a day, whereas before they worked above twentypence worth of tin each day, with the result that the tinners have all left their mines" [3]. But the conditions of the English cloth trade facilitated the growth of capitalism on a large scale, and opened up a new stage in the evolution of industrial organization. On the one hand, an ever-widening market and a corresponding increase of production made the investment of capital a profitable venture; on the other hand, the variety of processes and division of occupations—involved in the preparation [4] and manufacture of cloth—seemed to

[1] Ashley, *Economic History*, ii. 202.

[2] For the case before the Exchequer Court in 7 Edw. IV., see Madox, *Firma Burgi*, 215 (*n.* f).

[3] G. R. Lewis, "Tin Mining", in *Vict. County Hist. Cornwall*, i. 559.

[4] Compare Langland, *Piers the Plowman*, B. Passus, xv. 444, "cloth that cometh fro the weaving is nouzt comley to wear".

require that the woollen industry should be organized on a capitalist basis. The 'captains of industry' whom Edward III. invited to England were clearly not simple artisans, but capitalists. John Kempe brought with him from Flanders "men, servants and apprentices"[1]; and "the workers of wools and cloths", who came from Zeeland, had also their men and their servants[2]. Many of the citizens of Lincoln kept hired weavers working cloths for sale[3], and at Bristol we even get glimpses of the beginnings of a factory system. In a writ of 1339 addressed to the mayor and bailiffs of Bristol, it was stated that Thomas Blanket[4] and certain other burgesses had set up instruments for weaving cloth, and employed in their own houses 'weavers and other workmen'. The writ adds that the mayor and bailiffs had "unjustly exacted divers sums of money from them by reason of their setting up their instruments"[5]. It is possible that the authorities disapproved of the attempt to concentrate hired workmen under one roof, and their hostility was perhaps stimulated by feelings of racial jealousy[6]. But more probably their action was dictated by neither of these motives, for it was a normal practice to levy a yearly tax upon the weavers of looms. At Nottingham[7], Winchester[8], York[9] and Wycombe[10], among other places, weavers paid a tax for the licence to erect looms, and the money thus raised went to the farm of the city.

Industrial capitalism in the fourteenth century.

At the end of the fourteenth century the great clothiers were already in existence[11], though they were not to all appearance a numerous body. The aulnagers' accounts for the year 1395 have fortunately been preserved; they are a valuable source of evidence in showing that capitalism had

[1] Rymer, ii. part ii. 823. [2] *Ibid.* 969.
[3] *Patent Rolls*, 1348–1350, p. 120.
[4] Bailiff in 1340: *Adams's Chronicle of Bristol*, 40-41.
[5] *Close Rolls*, 1339–1341, p. 311; *Rot. Parl.* ii. 449 *b*.
[6] Hunt, *Bristol*, 76, thinks that the weavers were "evidently foreigners"; and this is not improbable.
[7] *Vict. County Hist. Nottinghamshire*, ii. 345.
[8] *Archæol. Journal*, ix. 77. [9] *York Memorandum Book*, i. 243.
[10] *Hist. MSS. Comm.* 5th Rep. App. 556.
[11] Ashley, *Economic History*, ii. 228, considerably post-dates their appearance: "there is no evidence of a class of capitalist manufacturers till towards the middle of the fifteenth century".

already established a footing in the cloth trade. In Suffolk 733 cloths were divided among 120 manufacturers, of whom only 7 or 8 reached a score. At Romsey in Hampshire there were 4 clothiers who produced from 30 to 46 'dozens' apiece, and on the Isle of Wight one clothier paid aulnage on 60 cloths and another on 40. In Essex capitalist production was on a larger scale; 1200 narrow cloths were made at Coggeshall by 9 makers, and 2400 at Braintree by 8 makers. But the most striking evidence of capitalist enterprise is found among the west country clothiers; at Barnstaple one manufacturer paid aulnage on no less than 1080 cloths, another on 1005, and 9 others on 1600; at Salisbury 158 persons returned 6600 cloths. On the other hand, Cornwall produced altogether only 90 cloths among 13 clothiers, Kent had but one clothier who owned more than 50 cloths, and Winchester but 3 clothiers who had more than 100 cloths. The average number of cloths assigned to the manufacturers of Yorkshire was apparently as low as 10 [1].

Origin of the class of clothiers.

In the closing years of Richard II.'s reign the large manufacturers were apparently restricted to a few centres, but the rapid extension of the woollen industry soon brought in its wake a growing body of capitalist employers. How the class of clothiers originated must remain largely a matter of speculation. Some were doubtless dealers in wool [2], who caused the raw material to be worked up into cloth and then disposed of it in the market. Others were shearmen or cloth-finishers, who employed workmen in all the earlier processes of carding, spinning, weaving, fulling and dyeing. To some extent the final processes of cloth-making must have been in the hands of men of substantial position, who might be expected to have some command of capital. It is at any rate significant to read of a mayor of Canterbury, who had given up his trade as a victualler, that he "took upon him the occupation of making of cloths and lived like

[1] But in 1396 one manufacturer paid the tax on 26 whole cloths and 4 strait cloths. I have taken these figures from Salzmann, *English Mediaeval Industries*, 157-158; *Vict. County Hist. Hampshire*, v. 482; *Vict. County Hist. Yorkshire*, ii. 410.

[2] Ashley, *Economic History*, ii. 210.

a gentleman"[1]. At Knaresborough also, the cloth trade attracted a 'chevalier' who took to cloth-making[2]. There is evidence, moreover, that dealers in cloth were sometimes recruited from those engaged in the more subordinate branches of the woollen industry. An important ordinance of the king in council in 1364 asserts that "dyers, weavers and fullers, who used to labour out of their own mistery, are become makers of drapery". They were therefore admonished to "keep their own office and not meddle with the making, buying or selling of drapery, on pain of imprisonment"[3]. But the statement made by some authorities that Nicholas Brembre, mayor of London, disfranchised artisans, weavers and tailors for competing with dealers, rests upon a misapprehension[4]. These men were already dealers, and were disfranchised not for infringing the monopoly of the merchants, but for seeking admission to the franchise of the city through a gild other than their own to avoid the payment of heavy fees. Lastly the tailors of Bristol[5], who made cloth into garments, were allowed to deal in cloth as drapers, and possibly they also assumed control of its manufacture.

Their control of the cloth manufacture.

It was in the nature of things inevitable that the dealers, who traded in cloth, should organize the different branches of the woollen industry under their own control. The gild system broke down earlier in the weaving industry than in any other direction. The rapid growth of the cloth trade was incompatible with the old restrictions, and the manu-

[1] *Hist. MSS. Comm.* 9th Rep. part i. App. 174.

[2] *Vict. County Hist. Yorkshire*, ii. 408.

[3] *Patent Rolls*, 1364–1367, p. 4.

[4] Herbert, *Livery Companies*, i. 30 *n.* (followed by Cunningham, *English Industry*, i. 383, and Ashley, *Woollen Industry*, 57) cites a passage from Noorthouck: "In 1385 Brembre, the mayor, is stated to have disfranchised several freemen for following trades to which they had not been brought up, as . . . William Southbrook, free of the weavers, for that he occupied drapery or the selling of cloth". A reference to *Letter Book H*, 257-260, sets the incident in a new light. The Drapers complained that William Southbrook—*who had always used the art of drapers*—had obtained the freedom of the city through the Weavers, contrary to the custom of the city, in order to avoid the payment of higher fees, which the Drapers, acquainted with his resources, would have exacted. Southbrook confessed on examination that he had never used the mistery of weavers as a common workman: *ibid.* 259. And similarly for the other cases.

[5] Fox, *Merchant Taylors of Bristol*, 52, 87 (1401).

facture overflowed from the towns into the suburbs and country districts[1], where it ran its course free from any impediment or restraint. The ordinance of 1364 drew attention to "deceits in the making of cloth", and complained that dyers changed the wool, weavers the thread, and fullers the drapery[2]. Again, in the sixteenth century (1512) an act "against the deceitful making of woollen cloth" repeated the injunction that walkers and fullers "shall truly walk, full, thick and work every web of woollen yarn", while carders and spinners were also forbidden to appropriate any of the wool delivered to them[3]. The frauds perpetrated by artisans could not well be obviated, unless the clothiers had full knowledge and supervision of the work in all its processes. At Coventry in 1518 this control was amply secured; two weavers and two fullers made search of the weavers and fullers, and six drapers were appointed "to be masters and overseers of the doing of the searchers"[4]. Similarly at Worcester the cloth trade was in the hands of the drapers' craft, and artificers were allowed to make cloth only for their own use, "but not to the prejudice of the drapers"; their influence is also seen in a regulation (1497) compelling weavers to employ one journeyman at least for every loom they occupied, the object clearly being to ensure that the weavers did not spoil the cloth given out to them by the bad workmanship of half-trained apprentices[5]. The wealth and position of the drapers, who were greatly represented among the town magistrates, enabled them with comparative ease to manipulate the municipal council in their own interests, and acquire an effective authority over the different crafts engaged in the local industry. The extent to which they engrossed civic offices may be illustrated from the records of Coventry. In 1449 a list was compiled of craftsmen who were obliged to provide armour; it enumerates 59 drapers of whom 16 had been in office, 37 dyers comprising 7 ex-magistrates, 57 weavers including 2 ex-magistrates, and 64 tailors and shearmen and

[1] *Infra*, p. 439.
[2] *Patent Rolls*, 1364–1367, pp. 4-5.
[3] *Statutes*, iii. 28; confirmed in 1515, *ibid.* iii. 130.
[4] *Leet Book of Coventry*, iii. 656.
[5] Green, *History of Worcester*, ii. App. lxviii.

27 fullers of whom none at all had attained to civic dignity[1]. The significance of this transition from the gild to the capitalist system cannot be overestimated. The essence of the gild system lay in the control of industry by the industrial workers themselves, through an elected authority appointed by them. In the capitalist system, on the other hand, this control is transferred to men who stand outside the ranks of the industrial workers, and are frequently in conflict with them.

Organization of the woollen industry on a capitalist basis.

In the sixteenth century the whole control of the woollen industry came to be concentrated largely in the hands of capitalist manufacturers. The clothier was now the pivot of industrial organization, and his position at the head and centre of the cloth trade enabled him to supervise and direct every stage of the manufacture. After the wool had been shorn it was purchased either directly from the farmer, or through a broker—when the small producer bought on credit. It was then carded and spun by spinners, and afterwards delivered to weavers, fullers and shearmen. The spinners were generally women and children, who appear to have been without any separate organization, and as will be seen they were the most easily exposed to capitalist exploitation. The weavers enjoyed greater economic independence, and from their ranks, as already mentioned, the employers were often recruited. Sometimes they were brought together under the roof of their employer, though the factory system was the exception rather than the rule. But even where they still worked in their own homes, their looms often belonged to the clothier[2], and their growing subjection is shown in the complaints made by the Suffolk and Essex weavers in 1539, that the clothiers had both their own looms and weavers and fullers in their own houses, so that the petitioners were rendered destitute: "for the rich men, the clothiers, be concluded and agreed among themselves to hold and pay one price for weaving of the said cloths", and a price too small to support their households even by working day and night, holy day and work

[1] *Leet Book*, iv. p. xlii.

[2] For the factory system, see *infra*, p. 422; for hired looms, p. 423.

day; accordingly, many of them were reduced to become other men's servants[1]. Thus the industrial independence of the weavers began to disappear, and with its loss the master weaver became to all intents and purposes a hired servant. The extent to which those engaged in the different processes of the woollen industry had become dependent upon the clothier was signally shown in 1525, when Wolsey endeavoured to raise war taxes. The clothiers of Suffolk under pressure from the minister submitted to the imposition, but were left without money to pay the wages of their men. They were forced to dismiss the carders and spinners, weavers and fullers, whom they employed, and a revolt against the government was only narrowly averted[2]. The incident serves, in part at any rate, to explain the apprehension with which the Tudors viewed the development of the capitalist system. Upon the discretion and foresight of a limited group of men had now come to depend the welfare and even the existence of the great body of industrial workers. The absolutism of the Tudors and early Stuarts has been severely criticized by constitutional historians, but the economic historian at any rate can do justice to their constant efforts to promote the well-being of the labouring classes. The privy council actively intervened on the behalf of artisans engaged in the woollen industry, and insisted that the employer should not turn his men adrift in times of depression. In 1586 the council wrote to the sheriff and justices of the peace in Somersetshire: "that whereas their lordships are informed that the poorer sort of the people inhabiting about the city of Bath and other towns on the easterly parts of the county of Somerset, wont to live by spinning, carding and working of wool, are not set on work, whereby in this time of dearth of corn and victual they lack their common and necessary food, a matter not only full of pity, but of dangerous consequence to the state if speedy order be not taken therein; her majesty, therefore, tendering the one and careful of the other hath given commandment that they forthwith . . . consider of the present incon-

[1] *Letters and Papers Henry VIII.* xiv. part i. p. 408.
[2] Holinshed, *Chronicles*, iii. 709.

venience and how it may be redressed, and for that purpose especially they are hereby authorized to call before them the clothiers and other men of trade in the several places within the county where the people do complain of lack of work, and in her majesty's name to require and command such of them as have stocks and are of ability to employ the same as they have heretofore done, so as by them the poor may be set on work; and if any of them upon any frivolous excuses shall refuse to obey her majesty's commandment herein, they shall certify their names and what their excuses be, that consideration may be had of them accordingly"[1]. We may compare the action of the council under James I. (1622), when it informed the justices of the peace that there were many complaints of distress owing to weavers and spinners being out of work; and it was unfitting that clothiers should at their pleasure dismiss their workpeople, for "*those who have gained in profitable times must now be content to lose for the public good*, till the decay of trade be remedied"[2].

John Winchcombe.

The type of sixteenth-century clothier is portrayed for us in the career of John Winchcombe, familiarly known as Jack of Newbury, who is described by Fuller as "the most considerable clothier (without fancy and fiction) England ever beheld"[3]. He was unquestionably an historical figure, though many legends have gathered round his name. His will is still preserved in which he bequeathed forty pounds to Newbury parish church and legacies to his servants, and his epitaph survives in Newbury church[4], of which he built the tower and western part[5]. In the *Journal to Stella* (1711) Swift describes a visit to the famous St. John, afterwards Lord Bolingbroke, who had married one of Winchcombe's descendants. "His lady is descended from Jack Newbury of whom books and ballads are written; and there is an old picture of him in the house"[6]. There is a tradition that he entertained King Henry VIII. and his

[1] *Acts of the Privy Council of England*, 1586–1587, p. 93.
[2] *Cal. of State Papers Domestic*, 1619–1623, p. 343.
[3] T. Fuller, *The Worthies of England* (ed. 1840), i. 137.
[4] Thomas Deloney, *Works*, ed. F. O. Mann (1912), 507.
[5] Fuller, *op. cit.* 137.
[6] J. Swift, *The Journal to Stella*, ed. G. A. Aitken (1901), 265.

Court, and he is said to have marched to Flodden Field at the head of a hundred of his own men. It is likely enough that he furnished a contingent of men to meet the Scottish invaders, and the pride of their exploits rings through the lines of the old ballad:

" The Cheshire lads were brisk and brave
And the Kendal lads as free,
But none surpass'd or I'm a knave
The lads of Newberrie " [1].

In *The Pleasant History of John Winchcombe* the prosperity of the great clothier is depicted by Thomas Deloney in the most glowing terms:

" Within one room being large and long
There stood two hundred Looms full strong:
Two hundred men the truth is so
Wrought in these Looms all in a row.
By every one a pretty boy
Sate making quills with mickle joy.
And in another place hard by,
An hundred women merrily
Were carding hard with joyful cheer
Who singing sate with voices clear.
And in a chamber close beside,
Two hundred maidens did abide,
In petticoats of Stammell red,
And milk-white kerchers on their head " [2].

The weavers as they plied their tasks sang the 'Weaver's Song':

' When Hercules did use to spin
And Pallas wrought upon the loom
Our trade to flourish did begin . . . ' [3].

[1] *History and Antiquities of Newbury and its Environs* (1839), 138. The number is variously given as 100, 150 and even 250.

[2] Deloney, *op. cit.* 20.

[3] *Ibid.* 31. In Deloney's *Works* (p. 211) there is an account of Thomas of Reading in *The History of the Six Yeomen*, of whom " every one kept a great number of servants at work, spinners, carders, weavers, fullers, dyers, shearmen and rowers ". This was Thomas Cole, " commonly called the rich clothier of Reading " (Fuller, *op. cit.* 136), who was supposed to have lived in the reign of Henry I. But he was undoubtedly a legendary figure, and even Fuller admits there is very little truth in the tradition.

The reputation which his cloth obtained may be gauged from the advice of the English envoy at Antwerp to the Protector Somerset to send over "a thousand of Winchcombe's kersies", in discharge of a debt[1]. Even at the end of the seventeenth century Jack of Newbury was the chief figure in the pageant of the Clothworkers of London[2].

Other great clothiers.

John Winchcombe was not the only clothier in the sixteenth century who set up a manufactory and gathered servants and looms under the same roof. It is not unlikely that the agrarian changes of this period, which cut so many labourers adrift from their occupation, furnished the labour which clothiers with some capital at their command were able to utilize in the woollen industry. In 1546 William Stumpe, a clothier of Malmesbury, rented Osney Abbey and undertook to receive in his employment as many as two thousand workmen, who were to labour "continually in cloth-making for the succour of the city of Oxford"[3]. Stumpe had also converted into a factory Malmesbury Abbey, and Leland's description is well known. "The whole lodgings of the abbey be now longing to one Stumpe, an exceeding rich clothier, that bought them of the king. . . . At this present time every corner of the vast houses of office that belonged to the abbey be full of looms to weave cloth in . . . there be made now every year in the town three thousand cloths"[4]. Other famous clothiers were the Springs of Lavenham, the Tames of Fairford, and Thomas Dolman of Newbury[5]. Thomas Spring, surnamed the rich clothier, bequeathed two hundred pounds to finish Lavenham steeple and money for a thousand masses, and his daughter married Aubrey de Vere, a son of the earl of Oxford[6]. John Tame, who lived in the reign of Edward IV., built up a large

[1] J. Burnley, *The History of Wool and Woolcombing* (1889), 69.
[2] Herbert, *Livery Companies*, i. 207.
[3] *Records of Oxford*, 184.
[4] *Itinerary*, i. 132.
[5] When Dolman gave up cloth-making, the weavers of Newbury lamented:

"Lord, have mercy upon us, miserable sinners,
Thomas Dolman has built a new house, and turned away all his spinners"

(*Vict. County Hist. Berkshire*, i. 389-390).
[6] *Proceedings of the Suffolk Institute of Archæology*, vi. 107 *seq.* His will was proved in 1524.

cloth manufacture at Cirencester and kept vast flocks of sheep at Fairford, prospering so well that he became owner of several landed estates. His son, Edmund Tame, received a visit from Henry VIII., by whom he was knighted; he became lord of the manor of Fairfield and was three times high sheriff of Gloucestershire[1]. Fairfield, observes Leland[2], "never flourished before the coming of the Tames unto it". His remarks on Bath are worth quoting to show the influence, which the clothiers were exercising upon the destinies of the towns in which they were established. "The town hath of a long time since been continually most maintained by making of cloth. There were *in hominum memoria* three clothiers at one time, thus named, Style, Kent and Chapman, by whom the town of Bath then flourished. Since the death of them it hath somewhat decayed"[3].

Opposition to the factory system.

But the movement towards a factory system, already foreshadowed in the career of Thomas Blanket, was disliked by the government, which was disquieted at the opportunity it seemed to afford for unruly spirits to collect together in one centre and stir up rioting and disorder. The famous Weavers' Act of Philip and Mary (1555) recites that: "forasmuch as the weavers of this realm have . . . complained that the rich and wealthy clothiers do in many ways oppress them, some by setting up and keeping in their houses diverse looms, and keeping and maintaining them by journeymen and persons unskilful, to the decay of a great number of artificers which were brought up in the science of weaving, their families and household, some by ingrossing of looms into their hands and possession and letting them out at such unreasonable rents as the poor artificers are not able to maintain themselves . . . some also by giving much less wages and hire for the weaving and workmanship of cloth than in times past", therefore no clothier out of a city was to keep more than one woollen loom, and no woollen weaver out of a city to have more than two looms[4]. This act, however, did not affect the older towns, and its operation

[1] H. F. Holt, "The Tames of Fairford", in *Journal of the British Archæol. Assoc.* xxvii. 118 *seq.*

[2] *Itinerary*, i. 127. [3] *Ibid.* i. 143. [4] *Statutes*, iv. part i. 286.

was confined to country districts, but more than forty years earlier Norwich [1] had taken steps to check the growth of capitalism. The Ordinances of the Worsted Weavers of Norwich and the counties of Norfolk, Suffolk and Cambridgeshire (1511) forbade a weaver, who lived in Norwich, to keep above four broad looms and one narrow loom; while a weaver who lived in rural districts was limited to two broad looms and one narrow. At the same time the system of hiring out looms to artisans, which at one time was prohibited in London [2] though subsequently (1300) allowed, was completely forbidden at Norwich. It is extremely improbable, however, that these measures, some of which are found elsewhere even at an earlier date [3], were really effective in checking the development of a capitalist class in the eastern counties, and indeed the act of 1555 would seem an indication to the contrary.

Oppression of the workers.

The intervention of the state was also demanded in other directions. Industrial capitalism began early to give clear indications that, without strict regulation and efficient control, it lent itself easily to oppression. A popular pamphlet on *England's Commercial Policy* [4], composed in the first half of the fifteenth century, contains interesting references to the grievances of the working classes under the changing conditions of production. The writer complains that merchants and cloth-makers had lately started a pernicious practice of truck, or payment in kind, which bore hardly upon the poor people. They paid them low wages, and half was paid in merchandise which they rated at double its real worth.

"The poor have the labour, the rich the winning".

He urged that workmen should receive their wages "in good money", and his recommendation was adopted in the statute of 1464. This statute recited that labourers in the

[1] *Records of Norwich*, ii. 377. [2] Riley, *Liber Custumarum*, i. 125.

[3] *E.g.* in 1477 the weavers of Bury St. Edmunds enjoined that no one should occupy more than four looms: *Hist. MSS. Comm.* 14th Rep. App. viii. 135. Among the weavers of Kent (*temp.* Hen. VIII.) no "clothier weaver" making coloured cloths was allowed more than one loom: Schanz, *Englische Handelspolitik*, ii. 661, No. 174.

[4] *Political Poems and Songs* (ed. T. Wright, Roll Series), ii. 285.

cloth industry have been driven to take a great part of their wages in pins, girdles, "and other unprofitable wares" at less than their value, and ordered clothiers to pay their workfolk — carders, spinners, weavers, fullers — "lawful money for all their lawful wages"[1]. Here, however, as in many other directions, local enterprise had already led the way and furnished a model and a precedent for the interference of the central executive. An ordinance against the truck system was made at Colchester[2] in 1411 and at Norwich[3] in 1460. The popularity of Edward's act is shown by the demand of the cloth-workers of Northampton[4] that it should be put into operation. But legislative action does not appear to have been very effective, for at Worcester[5] in 1467, and again at Coventry[6] in 1518 and 1547, the local authorities found it necessary to take steps on behalf of the workers and to forbid truck wages. Complaints were renewed under Henry VIII. by the weavers of Kent[7], and also in the well-known *Treatise Concerning the Staple*[8]; another statute was passed in 1512[9], but the practice persisted during the seventeenth[10] and following centuries. In the earlier centuries, the inadequate supply of currency may have been partially responsible for the system. Another device of capitalist exploitation was to pay workmen according to the weight of the material given out to them, and then defraud them by using false weights. In 1554 Thomas Glene was amerced at Norwich[11] "for delivering his stuff to be wrought by a weight a great deal above the standard". Again at Colchester[12] (1452) a burgess, William Godfrey, delivered thirty pounds of wool to be combed pretending that they only weighed twenty pounds, "to the deception" of the workers. An act of parliament in 1512 ordered that the wool delivered by the clothier

[1] *Statutes*, ii. 406.
[2] *Red Paper Book of Colchester*, 17.
[3] *Records of Norwich*, ii. 94. Among the ordinances of the London Shearmen (1452) there is one against payment in wares: *London and Midd. Archæol. Soc.* iv. 41.
[4] *Records of Northampton*, i. 302.
[5] Smith, *English Gilds*, 383.
[6] *Coventry Leet Book*, iii. 658, 784.
[7] Schanz, *Englische Handelspolitik*, ii. 661, No. 174.
[8] Pauli, *Drei volksw. Denkschr.* 37.
[9] *Statutes*, iii. 28.
[10] *E.g. Vict. County Hist. Suffolk*, ii. 267.
[11] Hudson, *Leet Jurisdiction in Norwich*, 91.
[12] *Red Paper Book of Colchester*, 59.

for breaking, combing, carding or spinning, should be of true weight[1]; and a like injunction was enforced by local authorities[2].

Complaints of consumers.

These indications are sufficient to show that the clothiers were often apt to exploit their position at the expense of their workfolk. At the same time they were accused by the public of "unreasonable lucre" in raising the price of cloth to the consumer[3], while the charge was also brought against them that by their deceits in the manufacture of cloth they were ruining both the home and foreign markets. The frauds of the west-country clothiers were said to imperil the lives of English traders in foreign parts, and were bitterly denounced in a statute of 1390: "The merchants that buy the same cloths, and carry them out of the realm to sell to strangers, be many times in danger to be slain and sometimes imprisoned and put to fine and ransom by the same strangers, and their cloths burnt or forfeit because of the great deceit and falsehood that is found in the same cloths when they be unpacked and opened, to the great slander of the realm"[4]. Subsequently (1465), it was said that for "many years past and now at this date the workmanship of cloth hath been of such fraud, deceit and falsity, that the said cloths in other lands and countries be had in small reputation to the great shame of this land", and foreign cloth was also being imported into England[5]. Even when allowance is made for the exaggerated terms in which all mediaeval statutes are couched, we have no reason to doubt the general truth of these statements. "The ill-working of our cloths", wrote Edward VI. at a later period, "maketh them less esteemed"[6].

Conflicts with weavers, fullers and shearmen.

The clothiers were also drawn into conflict with those who had retained their economic independence in the different branches of the cloth manufacture. The weavers, fullers and shearmen raised the cry, as at Coventry in 1549, that capitalists "for their own private lucre and gain"

[1] *Statutes*, iii. 28.
[2] *E.g.* Green, *Worcester*, ii. App. lxvii.; *Red Paper Book of Colchester*, 17; *Coventry Leet Book*, iii. 777.
[3] *Statutes*, ii. 533. [4] *Ibid.* ii. 64. [5] *Ibid.* ii. 403.
[6] Burnet, *History of the Reformation*, v. 111.

engrossed great quantities of woollen yarn and sold it outside the city, and accordingly it was ordered that yarn should be sold only to cloth-makers in Coventry[1]. Again the dyers made complaint that the clothiers wished to dye their own cloth. At Reading in 1589 the privy council was forced to intervene in the dispute, and it decided that clothiers could dye their own wool, but ought not to encroach unfairly upon the craft of dyers by dyeing wool for others[2].

Introduction of machinery.

The introduction of machinery was inevitably a fruitful source of dissension. The shearmen objected to the use of "instruments of iron", and a statute of 1495 ordered fustian cloth to be shorn "with the broad shears" only, and "with none other instrument"[3]. A few years earlier (1478), the authorities of Norwich forbade shearers of worsted to employ sharp iron instruments which cut the cloth[4]. Objection was also raised (1552) against the use of any "wrinch, rope or ring or any other engine" for straining or stretching cloth[5]. But most persistent of all was the agitation over the use of water-mills among the fullers. Fulling at mills instead of "by might and strength of man, and that is with hand and foot"[6], was forbidden in London as early as 1298, and again in 1376, 1391 and 1404[7]. In 1417 the prohibition was annulled on the ground that fulling by mills involved less cost and was equally serviceable[8], but in 1437[9] it was once more revived, and confirmed in 1483 by statute[10].

Export of undyed cloth.

A collision of interests also arose between the clothiers and the Merchant Adventurers, the great merchant exporters, who shipped abroad their cloth in a raw state—undyed and unfinished—to be worked up in foreign countries. This was the germ of the protracted struggle between the industrial and trading capitalists, which in one form or another covered a period of many centuries. The export of white woollen cloth was several times forbidden by statute[11], but

[1] *Coventry Leet Book*, iii. 791. [2] *Reading Records*, i. 397.
[3] *Statutes*, ii. 591. [4] *Records of Norwich*, ii. 102.
[5] *Statutes*, iv. part i. 139. [6] *Letter Book K*, 220.
[7] Riley, *Liber Custumarum*, i. 128-129 (1298); *Letter Book H*, 47 (1376), 366 (1391); *Letter Book I*, 29 (1404).
[8] *Letter Book I*, 176. [9] *Letter Book K*, 220. [10] *Statutes*, ii. 473.
[11] *Supra*, p. 402. Also in 1523: *Statutes*, iii. 206. Undyed cloth amounted to nearly 96 per cent. of the whole export: Schanz, *Englische Handelspolitik*, ii. 17.

the Merchant Adventurers contended that the export of white and undressed cloth was in the best interests of national prosperity, since foreign merchants would not buy cloth which was dyed and finished. They dwelt with some force upon the 'utter peril and danger' of interfering with a trade, which had grown beyond anything 'in the memory of man'. English cloth-workers, they urged, had the buying and selling of wool, one with another; they had also the carding, spinning, weaving and fulling, and the first sale of the cloth; while foreigners had only the dressing and shearing of certain of the cloths: "whereby the inhabitants there be a little relieved and a few number of them for a time set to work". If, then, "the realm of England should all covet and they to have no relief nor comfort of the same", there was a danger lest Antwerp and other towns would find ways and means to exclude our cloth altogether[1]. It was also a ground of complaint against the Hansards that they would only buy white cloth, "wherewith they set their own people to work"[2]. But an exception seems to have been made in favour of cloth manufactured in Suffolk, for large quantities were dyed and dressed before being exported abroad; and on this account the Suffolk industry received special consideration from the government[3].

Attempts to foster a native dyeing industry.

Under Elizabeth[4], and particularly in the early part of the seventeenth century, attempts were made to foster a native dyeing industry: "We have often and in divers manners expressed ourselves", declared James I., "what an earnest desire . . . we have that, as the reducing of wools into clothing was the act of our noble progenitor, King Edward the Third, so the reducing of the trade of white cloths, which is but an imperfect thing towards the wealth and good of this our kingdom, into the trade of cloths dyed and dressed might be the work of our time"[5]. But though the export of undyed cloth was prohibited by proclamation[6], and

[1] Schanz, *Englische Handelspolitik*, ii. 571, No. 131 (*c.* 1514–1536).
[2] Pauli, *Drei volksw. Denkschr.* 36.
[3] *Vict. County Hist. Suffolk*, ii. 261.
[4] *Acts of the Privy Council*, 1575–1577, p. 381.
[5] *Select Charters of Trading Companies*, 78.
[6] Crawford, *Tudor and Stuart Proclamations*, i. No. 1148 and No. 1154.

experiments were made, they were not attended with any degree of success. When the Merchant Adventurers acquired the monopoly of the foreign trade in cloth, the hostility between them and the clothiers was accentuated. The latter found fresh ground for complaint in the allegation (1550) that the Adventurers "by agreement set such a price upon their cloths, that without the loss of twenty shillings in a piece they could not utter them"[1]. In 1586 the west-country clothiers complained that the Merchant Adventurers had not purchased their cloth "in such number and at such prices as they were lately accustomed", and hence they were forced to dismiss their workmen. The Company was ordered by the privy council to buy their cloth; otherwise the Merchants of the Staple might purchase cloth and export it, or in default of them any merchant whatever might do so[2].

Friction among the clothiers.

And lastly, the clothiers themselves were far from being a homogeneous class undivided by conflicting interests. Friction among them was occasioned by the attempts of the London drapers to establish a monopoly. Of old, recites a statute of 1406, cloth-makers and drapers from all parts of the kingdom could repair to London, and there buy and sell wholesale to natives and aliens alike, provided they paid the customs reasonably due from them. But now they were being compelled to sell only to citizens of London, "to the singular profit and advantage of them of London", but "to the damage and loss" of consumers and traders. It was therefore ordered that merchants should be free to sell their cloth or other merchandise, in spite of any franchise to the contrary[3]. Two centuries (1604) later the complaint was renewed: "All the clothiers and in effect all the merchants of England complained grievously of the engrossing and restraint of trade by the rich merchants of London, as being to the undoing or great hindrance of all the rest"[4].

While thus confronted with many serious difficulties at

[1] *Acts of the Privy Council*, 1550–1552, p. 19.
[2] *Ibid.* 1586–1587, p. 272.
[3] *Statutes*, ii. 153.
[4] *The Journals of the House of Commons*, i. 218.

home, the clothiers had also to reckon with the jealousy of their foreign rivals abroad. The Flemings especially were sorely pressed by the competition of the English cloth-makers, now that they no longer enjoyed the monopoly of the weaving craft. Bruges, which in the thirteenth century owned forty thousand looms, was declining in numbers and making desperate efforts to recover its prosperity. Ypres, with a population in 1408 of over eighty thousand inhabitants and three to four thousand cloth-workers, had sunk in 1486 to less than six thousand inhabitants, and barely a score or two cloth factories[1]. An opportunity to strike a blow at their rivals came to them in 1436, when the duke of Burgundy invoked the aid of the Netherlands for an attack upon Calais. They agreed to lend their assistance, but exacted the condition, according to the report brought to England, "that no Englishman shall be suffered to sell English cloth at any mart within the duke's dominions"[2]. A few years later, in 1449, instructions were drawn up for the English ambassadors to the court of Burgundy to protest against an ordinance of the duke excluding English woollen cloth from Holland, Zeeland and Brabant. The English government was greatly alarmed, and the king "divers times" made attempts to obtain a revocation of the ordinance. The ambassadors were instructed to point out that the ordinance was to the great hurt and damage of the king and his subjects, and not only contrary to the old friendship which had long subsisted between the two countries, but against the condition of the truce made by the duke of York at Rouen, which had provided for freedom of commercial intercourse. "At all times", proceeded the instructions, English cloth was accustomed "to resort and have its utterance in Holland, Zeeland and Brabant where it is now forbidden, like as merchandise of those countries be freely uttered here"[3]. In a statute of the same year, and again in 1465, retaliation was threatened; no merchandise from the Netherlands would be imported into England, if English

Jealousy of foreign rivals.

[1] Schanz, *Englische Handelspolitik*, i. 32-33.
[2] *Hist. MSS. Comm. Various Collections*, iv. 197.
[3] *Ibid. Verulam*, 4-8.

cloth were shut out from the Netherlands [1]. Henry VII.'s commercial treaties with the duke of Burgundy restored the English market, and secured favourable conditions for the sale of our cloth [2]. But trouble revived in the next reign, and a correspondent of Thomas Cromwell wrote to his master in 1532 that English cloth was excluded from the Low Countries, adding that if the king met their wishes "they would in short time bring our heads under their girdles" [3].

The worsted manufacture.

An important branch of the woollen industry was the manufacture of worsted, which was already established in Norfolk and Suffolk at the opening of the fourteenth century. It is evident that worsted cloth had gained a reputation before the coming of Flemish artisans under Edward III., for the accounts of the city chamberlain for the year 1301 include "presents sent to the justices of the lord king and others his ministers, as in cloth, wine, oats, cloths of Worstead and cloths of Aylsham, out of courtesy of the whole community" [4]. 'Worsteds' were apparently also termed 'Irelonds', and 'cloth of Ireland' is mentioned as early as the reign of Henry III., though this may possibly refer to imported Irish cloth [5]. In any case, it should be remarked that at first the worsted trade was associated not with Norwich, later its most famous centre, but with Worstead and Aylsham. To all appearance the foreign weavers, who came over to England at Edward III.'s invitation, did not take up their residence in Norwich to any considerable extent. There is mention, however, of one, John Kempe [6], whom it is tempting to identify with the famous 'captain of industry' to whom the king had granted letters patent in 1331, but it may have been merely a namesake. In the next reign [7] many weavers became freemen of the city, an indication of expanding trade and prosperity.

[1] *Statutes*, ii. 345, 411. [2] Rymer (O. ed.), xii. 655, 716; xiii. 132.
[3] Schanz, *Englische Handelspolitik*, ii. 256, No. 31.
[4] *Records of Norwich*, ii. 35. Norfolk long wool was specially adapted for worsted: J. James, *History of the Worsted Manufacture* (1857), 44.
[5] Madox, *Exchequer*, 383 (*n.* d). Macpherson (*Annals*, i. 422) identifies it as Irish cloth, but this is doubtful. Cloth of Ireland is also enumerated among commodities paying customs at Southampton, *c.* 1300: *Oak Book*, ii. 6. [6] *Records of Norwich*, ii. p. lxvi. [7] *Ibid.* ii. p. lxvii.

Its history in the fourteenth century.

The history of the worsted manufacture in the fourteenth century is mainly the record of successive attempts to establish a system of industrial supervision and control. In 1315 the merchants had petitioned in parliament for the appointment of an aulnager to prevent deceits and frauds; they complained that the cloths 'called worthstedes and ayleshams' were not made according to the assize, or legal measurements, and therefore "that which was sold for 24 ells was only 20"[1]. The king responded with a proclamation in which he enjoined the legal measurements, and shortly afterwards John Pecock was appointed assayer of cloths for Norfolk, Suffolk, Lincoln, Essex, Kent, Devon, Cornwall, Stamford and Beverley[2]. Pecock retained his office until 1327, when at the request of Queen Isabella[3] he resigned it for the county of Norfolk to Robert de Poleye, a 'king's yeoman', and in return for his complaisance was made aulnager of canvas and linen web throughout the realm[4]. This Robert de Poleye had earned the royal favour "for service to Queen Isabella and the king beyond seas and after their landing in England"[5], evidently in connexion with their conspiracy against Edward II. In the exercise of his new functions he soon came into collision with the weavers of Norfolk. His predecessor, John Pecock, appears to have taken a lax view of his duties, for the traders of London and Norwich declared that the assize of worsted cloth was not carried out, and a commission appointed by the king in 1327 to inquire into the charges supported their assertion[6]. The activity of the new aulnager speedily provoked opposition from the worsted weavers, who complained that instead of manufacturing their cloths in lengths of 8 or 10 ells, more or less according to their liking without let or hindrance, they were now forced to make cloths of 50, 40, 30, or 24 ells at the least. In addition the aulnager exacted fees for sealing their cloth, one penny or more for each cloth according

[1] *Rot. Parl.* i. 292 *b*.
[2] *Patent Rolls*, 1313–1317, p. 344.
[3] *Ibid.* 1327–1330, p. 31.
[4] *Ibid.* 59. Observe the dates: he resigned his office for Norfolk on March 6, and received his new appointment on March 9.
[5] *Ibid.* 63.
[6] *Records of Norwich*, ii. 407.

to its length, from buyers and sellers alike[1]. Another commission was appointed, and the following year Poleye in his turn complained that a number of weavers had "conspired to prevent the execution of his office in Norwich, Bishop's Lynn, Worstead, Walsham, Catton, Scottow, Tunstead, Honing and other places"[2]. Already at this early date, the worsted manufacture was distributed over the whole county. The worsted weavers triumphed, for the king annulled his grant to Robert (1329)[3], and in 1348—upon a renewal of their petition—consented to confirm the revocation of Poleye's patent[4]. Henceforth weavers were at liberty to make, and merchants were free to sell, cloths of worsted "without assay". This exemption from supervision was confined, however, to the worsted weavers, for in 1335 Thomas But was appointed to exercise the office of aulnager in the city of Norwich and other towns in Norfolk and Suffolk[5]; and again in 1346 John Marreys was made aulnager of canvas, linen, web, napery, and 'all manner of cloths' of Norfolk and Suffolk and other counties[6]. We may conjecture that it was the comprehensive terms of this second appointment which alarmed the worsted weavers, and made them seek for a ratification of their privileges in 1348[7]. But in 1410 they lost whatever measure of freedom they may have enjoyed, and the civic authorities received a grant of the aulnage of worsted cloths made in Norwich and Norfolk for a period of seven years[8].

Control vested in the authorities of Norwich.

While the rulers of Norwich thus asserted their authority over the worsted weavers, they attempted at the same time to concentrate the industry within the sphere of their jurisdiction. In 1421 it was enjoined that no one within the liberty of Norwich should "in future set any woollen cloth to any one to be woven or fulled, unless that weaver or fuller shall reside or ply his craft within the liberty"[9]. In 1440 they enacted that all the cloths called worsteds made

[1] *Patent Rolls*, 1327–1330, p. 297.
[2] *Ibid.* 424.
[3] *Ibid.* 1348–1350, p. 56.
[4] *Ibid.*
[5] *Ibid.* 1334–1338, p. 169.
[6] *Ibid.* 1345–1348, p. 130.
[7] *Rot. Parl.* ii. 204 *b*.
[8] *Ibid.* iii. 637 *b*. The statement in Blomefield, *Norfolk*, iii. 92, that the bailiffs of the city received a grant of the aulnage after Poleye is unsupported and very unlikely.
[9] *Records of Norwich*, ii. 86.

within the city for sale, and all cloths of worsted brought to the city, should not be bought or sold anywhere in the city or its suburbs "except only in a certain hospice of the citizens of the city called the Common Inn", in the house there provided for this purpose known as the Worsted Seld [1]. This was an extension of an ordinance made previously in 1388, by which all worsted cloth brought for sale by country weavers was to be sold only in the Worsted Seld [2]. Additional restrictions were imposed on the country weavers, when they were forbidden to sell by retail and were allowed to sell only to citizens [3]. Apart from regulations governing the sale of worsted cloth, attempts were made to organize the manufacture on a proper basis and ensure adequate supervision. How necessary this had become is set forth in a petition in 1442, which recited that "whereas worsted was sometime fair merchandise and greatly desired and loved in the parts beyond the sea, now because it is of untrue making and of untrue stuff, no man setteth thereby, which is great hurt unto your customs and great harm and prejudice unto your true liege people" [4]. In response to this petition, parliament enacted that the worsted weavers of Norwich should elect four wardens within the city, who were to elect two others for the county of Norfolk; and these six wardens were to execute the assizes. Subsequently the right of search was extended to Suffolk and to Cambridgeshire [5].

Decline of Norwich in the sixteenth century.

In the early part of the sixteenth century it became evident that the prosperity of Norwich was declining. A succession of epidemics [6] and fires [7] inflicted serious damage upon the city, while the oppression of the gilds drove craftsmen into the country districts. There was a widespread movement from the town into the country, which was not confined to Norwich but was general in many parts of England. Complaints were made of those who had left Norwich to dwell

[1] *Records of Norwich*, ii. 90.
[2] Blomefield, *Norfolk*, iii. 113.
[3] *Records of Norwich*, ii. 92.
[4] *Ibid.* ii. 149.
[5] *Statutes*, ii. 322, 420 (1467).
[6] "There be tables at Norwich, Yarmouth and Lynn that testify of great pestilence that hath been in those towns": Leland, *Itinerary*, iv. 122.
[7] *Statutes*, iii. 504. A great number of houses at Norwich were "burned and utterly consumed".

"in divers places in the county of Norfolk adjoining to the city"[1], the protection of whose walls was no longer needed in these more settled days of Tudor administration. At the opening of the fifteenth century Norwich had been the second city in the kingdom; a century later in the assessment of 1503 it ranked sixth[2], and in 1545 grass was growing in the market-place[3]. The revival of its prosperity was caused by an event which had more than merely local significance. The influx of aliens in the sixteenth century constitutes the second great landmark in the history of the English cloth trade. As early as 1543 the art of hat-making had been introduced from France, and a company was formed to exploit it. "Divers honest citizens", it was said, "had begun a craft of hat-making, which hats they can make as well and as good as ever came out of France and Flanders"[4]. This is an early instance of a capitalist organization formed to develop new industries in this country. Shortly afterwards we meet with the russel weavers, who in 1554 were incorporated by act of parliament. The act recites that the mayor and twelve others, merchants and citizens, belonging to the city of Norwich had "at their great costs and charges" made looms, and brought strangers from beyond the seas to teach their art and the mysteries of their craft to native weavers[5]. The ordinances of the russel weavers express their indebtedness to the capitalist pioneers who had introduced the new manufacture into England. "And forasmuch as by the cost, charge and good diligence of certain of the merchants of the city of Norwich, the first practising of the making of the said russels within the same city was first invented by the said merchants", therefore in their interests it was provided that weavers of russels must sell only in Norwich[6].

The most important event, however, in the industrial history of the sixteenth century was the coming of the

[1] *Records of Norwich*, ii. 131.
[2] Rogers, *Agriculture and Prices*, iv. 88, 579.
[3] *Records of Norwich*, ii. p. lxxii.
[4] *Ibid.* ii. 381. A sixteenth-century poem (1563) speaks of "French hoods, caps, *hats from Venice and Spain*": "Dives Pragmaticus", in *Fugitive Poetical Tracts*, ed. Hazlitt.
[5] *Statutes*, iv. part i. 260.
[6] *Records of Norwich*, ii. 410.

Dutch and Walloon immigrants, who established a new branch of the woollen industry, the manufacture of the finer fabrics known as the 'new drapery'. The cruelty of Alva's administration in the Netherlands occasioned a large exodus of the most skilful and industrious section of the population, and the exiles were welcomed by the English government both as religious refugees and as a valuable asset in the economic resources of the country. Among other centres they settled in Norwich, the rulers of which had sought eagerly to attract skilled artisans to their city. The *Book of Dutch and Walloon Strangers* relates [1] that in 1564 the worsted manufacture, "by which many citizens both merchants and artisans before that time had (of the gain thereof) their whole livings and a great number of poor of the city were set on work", was greatly depressed and its cloths "out of estimation and vent" [sale]. In response to their entreaty, the authorities obtained licence allowing thirty alien master craftsmen to settle in Norwich. They are described as "divers strangers of the Low Countries", that "came over for refuge against the persecution then raised against them by the power of the Duke Alva". The letters patent, by which this permission was granted, enumerate the manufactures which the newcomers were to introduce: "bays, arras, says, tapestry, mokadoes, stament carsays, and other outlandish commodities" [2]. The prosperity of Norwich now increased by leaps and bounds. The revenues of the city were more than doubled. The number of cloths sold by the Russel Company rose from 276 to 2845 in the year 1572 [3], and in the same year there were no less than four thousand [4] aliens dwelling in Norwich, and before the plague of 1578 as many as six thousand—for to all appearance there was renewed immigration at the time

The new draperies: (i.) Norwich.

[1] *Records of Norwich*, ii. 332.

[2] Compare the Old English rhyme (J. S. Burn, *History of the Foreign Refugees*, 1846, p. 205):

"Hops, reformation, *bays* and beer
Came into England all in a year".

[3] *Records of Norwich*, ii. pp. lxxx, lxxxviii.

[4] In 1569 there were 2866 aliens in Norwich: W. J. C. Moens, *The Walloon Church of Norwich* (Huguenot Soc. Pub. vol. i. part i.), p. 27. In 1571 nearly 4000: *ibid.* 34.

of the massacre of St. Bartholomew[1]. The authorities freely admitted that the city had "received no small benefit by her majesty's permission"[2]. The strangers, it was said, showed themselves quiet and orderly, and worked diligently to earn their livelihood[3]. A document drawn up about 1575 bears striking testimony to the services conferred by the strangers upon Norwich. "They brought a great commodity thither, namely, the making of bays, etc. . . . whereby they do not only set on work their own people, but do also set on work our own people within the city, as also a great number of people near twenty miles about the city. . . . By their means our city is well inhabited, and decayed houses re-edified and repaired that were in ruin. . . . They live holy of themselves without charge, and do beg of no man, and do sustain all their own poor people"[4]. But in spite of the advantages arising from the presence of aliens at Norwich, considerable friction ensued from attempts on the part of the authorities to bring them under control, and to compel them to sell their commodities only to freemen of the city. The English shearers of worsted also complained that as a result of the new draperies their occupation was nearly gone[5]. In 1571 the "Book of Orders" was drawn up for the strangers of Norwich, embodying the regulations by which they were henceforth to be governed, and allowing them to trade with burgesses and aliens alike[6].

(ii.) *Other centres.*

Norwich was not the only seat of the new draperies. About 1565 the Dutch immigrants also settled at Colchester, where a few years later (1573) they numbered over five hundred, and in 1586 nearly thirteen hundred[7]. Colchester had always been an important city:

"On all the Essexian shore the town of greatest fame";

[1] Moens (*op. cit.* 36) thinks that there was no further settlement, but in 1582 the number of aliens was 4679 *after* one-third had been destroyed by pestilence (*ibid.* 44). See *Records of Norwich*, ii. p. lxxxiii.

[2] Moens, *op. cit.* i. part ii. App. xx.

[3] *Ibid.* i. part i. 27.

[4] *Ibid.* i. part ii. App. xix.

[5] *Ibid.* i. part i. 28_37.

[6] *Ibid.* i. part ii. App. xviii.

[7] In 1571 they numbered 185: W. J. C. Moens, *The Dutch Church at Colchester* (Huguenot Soc. Pub. vol. xii.), p. iii. In 1573 the figure had reached 534, including a few French settlers: *ibid.* In 1586 they counted 1293: *ibid.* p. viii.

and from earliest times it was closely connected with the cloth trade. At the end of the thirteenth century a greater number of its inhabitants were occupied in the woollen industry than in any other calling, except the leather trade; at the same period its cloth was paying duty at the quay of Ipswich[1]. The strangers were now warmly welcomed by the authorities. "We cannot but greatly commend the same strangers unto you", they wrote to the privy council, "for sithence their first coming hither we find them to be very honest, godly, civil and well-ordered people, not given to any outrage or excess"[2]. Nor were they mistaken in their expectation that the newcomers would bring great profit "to the Common Estate of the town", for Colchester became one of the chief centres in England of the new manufactures. The writer of a letter to Walsingham, the secretary of state, observes that before the refugees came to Colchester a great many houses stood empty, and "tenants could not be gotten for them at any reasonable rent"; he adds, "For God's cause I beseech you to pity the poor strangers"[3]. But at Colchester, as at Norwich, despite the benefits conferred by the Dutch settlers, there was considerable difficulty in adjusting the relations between the foreign weavers and the native inhabitants. Attempts were even made to expel them from the town, and they were disturbed and troubled by "the meaner sort" as well as by the native weavers, who were jealous of their competition and resented the exclusive right[4] of the Dutch to search and seal all the new draperies made in the town, whether by aliens or denizens. Troubles also arose at Halstead where some settled in 1576, on account of the jealousy of the native manufacturers whose persecution eventually drove them from the town, notwithstanding the efforts of the privy council to keep them there. Their withdrawal ruined the prosperity of Halstead, where at the time of their settlement eight or nine score bays were sent week by week to London, providing much employment for spinners and weavers in the neighbourhood, while now the output mustered a bare "seven or eight

[1] *Supra*, pp. 393, 396.
[2] Moens, *op. cit.* p. ii.
[3] *Ibid.* p. vi.
[4] *Vict. County Hist. Essex*, ii. 388, 390.

single bays in one whole week"[1]. The blind and unreasoning attachment of the native weavers to their own narrow interests was an obstacle to the progress of the new manufacture. Their dislike of innovations told in the same direction; the Suffolk clothiers, for example, were hostile to the new draperies, which they contemptuously termed "slight and vain commodities wherein the common people delight"[2]. Alien weavers are found in other towns—Thetford and Yarmouth, Stamford and Sandwich[3]. At Southampton the privy council allowed twenty families to settle in the town, each with ten men-servants, on condition that every household retained and instructed two English apprentices for a period of seven years[4].

Industrial conflict of town and country.

The settlement of aliens was not the only cause of friction in the cloth trade during the sixteenth century, and a fresh source of contention originated in the rivalry between the corporate boroughs and market towns on the one hand, and rural districts on the other. The former endeavoured to retain in their own hands the sole right to manufacture cloth, and the charters of the twelfth century gave their craft gilds a practical monopoly within a well-defined area. Norwich, Oxford, Derby, York, Nottingham and other important centres remained for a long time the emporium, to which cloth-makers settled in the vicinity brought their cloth for sale. Moreover, the town clothier often became the employer of country weavers, who worked for him in their cottage homes. In the eyes of the clothiers the system had the twofold advantage, that it enabled them to obtain cheaper labour and to evade the control of the gild authorities. But it provoked the jealousy of the urban craftsmen, whose opportunities for employment were proportionately diminished. In 1464, for example, the carders, spinners, weavers and fullers of Northampton raised an outcry that cloth-makers put their work into the hands of workers who dwelt outside the franchise[5]. Accordingly, many of the towns sought to crush the rivalry of rural artisans, and to

[1] *Vict. County Hist. Essex*, ii. 389; Moens, *op. cit.* p. v.
[2] *Vict. County Hist. Suffolk*, ii. 267.
[3] Moens, *op. cit.* p. i; Burn, *Foreign Refugees*, 205, 218.
[4] Davies, *Southampton*, 403-404. [5] *Records of Northampton*, i. 303.

protect their industrial population from 'foreign' competition by forbidding the burgesses to give employment to country folk. Even in the thirteenth century, Winchester had enjoined that no citizen should manufacture burel cloth outside the city[1]. Bristol, on the other hand, at first permitted woollen cloth to be woven in country districts, provided it had first been inspected by the authorities to ensure the proper measurements, but in 1381 the licence was withdrawn[2]. Norwich (1421) also decided that no inhabitant should employ any weaver or fuller, who did not dwell or ply his craft within the city[3]; and again at Coventry no yarn was allowed to be sent outside the town (1549) to be worked up in the country, and "no man nor woman" was to put out cloth to be woven in the country (1518)[4]. We are left in no doubt as to the motive of these prohibitions, which is set forth in the ordinances of Worcester (1467): "And that no citizen . . . put out any wool *in hurting of the said city or in hindering of the poor commonalty of the same*, where there be persons enough . . . to dye, card or spin, weave or cloth-walk within the city, to any manner [of] person or persons foreign"[5]. It is necessary to lay stress upon the fact that the industrial conflict of town and country is older than the sixteenth century, because it has hardly received sufficient attention.

Rivalry of town and country clothiers.

In addition to the rivalry of urban and rural craftsmen, which gradually recedes into the background, there grew up a rivalry of town and country clothiers[6]. The villages ceased to depend upon the towns for industrial employment, and owing to the rapid extension of the woollen manufacture in rural districts its control began to slip from the grasp of the older English boroughs. In Suffolk, for example, Ipswich, Bury St. Edmunds and Sudbury no longer remained the only centres of the cloth trade, and the weaving industry became established in villages like Lavenham. If we follow

[1] *Archæol. Journal*, ix. 77.
[2] *Little Red Book of Bristol*, ii. 5, 7.
[3] *Records of Norwich*, ii. 86.
[4] *Coventry Leet Book*, iii. 661, 791. In 1530 no cloth was to be fulled by non-inhabitants: *ibid.* iii. 704; this was repeated in 1536: *ibid.* iii. 723.
[5] Smith, *English Gilds*, 383. The prohibition against the export of yarn was repeated in 1540: *Vict. County Hist. Worcestershire*, ii. 287.
[6] Cf. Unwin, *Industrial Organization*, 91.

in the wake of Leland's *Itinerary*, we can trace in certain counties of England both the decay of the older towns and the rise of the new country 'townlets', which owed their prosperity to the spread of the textile industries. At Beverley[1], once famous for its cloth, the woollen manufacture was "much decayed". Bridgnorth[2] in Shropshire formerly "stood by clothing, and that now decayed there, the town sorely decayed therewith". Coventry[3] had risen "by the making of cloth and caps, that now decaying the glory of the city decayeth". On the other hand in Somersetshire, Gloucestershire and Wiltshire numerous "clothing towns" and "clothing villages" are enumerated: Bradford, Frome, Pensford, Chew Magna and Norton St. Philip in Somersetshire[4]; Alderley, Wotton, Dursley, Tortworth and Wickwar in Gloucestershire[5]; Devizes, Steeple Ashton and Westbury in Wiltshire[6]. Of all these places Leland tells how one is "well occupied with clothiers", and how another "standeth most by clothing"; and his list could easily be extended from other sources[7]. A similar movement can be discerned in the West Riding of Yorkshire. The aulnager's rolls for the county at the end of the fourteenth century show that weaving was carried on in country districts near York, but was not yet organized on any large scale in the remoter parts of Yorkshire[8]. In the sixteenth century, however, the prosperity of the corporate towns in Yorkshire began to wane, and their place was usurped by their younger rivals. Leland, whose evidence we have already cited for Beverley, specially mentions Wakefield as a town whose "whole profit standeth by coarse drapery"[9]. In 1561 the authorities of York complained of the decayed fortunes of their city. "The cause of the decay of the weavers and looms for woollen [cloth] within the city, as I

[1] *Itinerary*, i. 47. [2] *Ibid.* ii. 85. [3] *Ibid.* ii. 108.

[4] *Ibid.* v. 84 (Bradford "the pretty clothing town on Avon"); 97 (Frome); 98 (Norton St. Philip); 103 (Pensford, Chew Magna).

[5] *Ibid.* v. 95 (Alderley, Wotton); 96 (Dursley, Tortworth, Wickwar).

[6] *Ibid.* v. 82 (Devizes); 83 (Steeple Ashton and Westbury).

[7] *E.g.* in Somersetshire the industry was also growing up in Mudford and Croscombe, the latter having a gild of weavers and a gild of fullers: *Vict. County Hist. Somersetshire*, ii. 301, 408. The act of 1465 (*Statutes*, ii. 406) shows that the woollen industry was spreading in country districts.

[8] *Vict. County Hist. Yorkshire*, ii. 409-410. [9] *Itinerary*, i. 42.

do understand and learn, is the lack of cloth-making in the city as was in old time accustomed, which is now increased and used in the towns of Halifax, Leeds and Wakefield: for that not only the commodity of the water-mills is there nigh [at] hand, but also the poor folk as spinners, carders and other necessary workfolk for the weaving, may there beside their hand-labour have rye, fire[wood] and other relief good cheap, which is in this city very dear and wanting"[1]. But it was not only the presence of water-mills and the cheapness of provisions which attracted artisans into the rural districts; even more important was the absence or at any rate the difficulty of supervision. In the villages the weaving industry was left to a large extent unregulated, a circumstance which contributed to the disadvantages to which the older towns were exposed. In Yorkshire, for example, the country weavers made cloth "with woof of flocks", a practice afterwards prohibited by parliament[2]. The oppressive ordinances of craft gilds concerning the fees of apprentices and admission to mastership must have operated in the same direction. Under Henry VIII., however, an attempt was made to redress the balance by an act (1543), which gave to York a monopoly of the manufacture of coverlets and conferred upon its gild of coverlet-makers power of search throughout the county[3].

Industrial policy of the Tudors

The struggle between the established seats of industry and villages which were growing into towns, constitutes one of the main economic features of the sixteenth century. The former sought by the pressure of legislative action to check the spread of industry, and to repress the activities of the new industrial centres that sprang up around them. In 1534 an act was passed on behalf of Worcestershire, of which the capital town together with four other towns in the county found their prosperity menaced by the growing competition of the country districts. It ordered that no cloth should be made in the county except in the above five towns.[4] The act would seem to have been effective, for

[1] *York Mun. Rec.* xxiii. fol. 20 *a*; *cit. Vict. County Hist. Yorkshire*, iii. 450. The commonalty of the city, on the other hand, attributed its decay to the lavish hospitality of the civic fathers: *English Hist. Review*, ix. 296.

[2] *Statutes*, ii. 404. [3] *Ibid.* iii. 908. [4] *Ibid.* iii. 459.

Leland—whose *Itinerary* belongs to the years 1535–1543—wrote that "the wealth of Worcester standeth most by draping, and no town of England at the present time maketh so many cloths yearly as this town doth"[1]. In Mary's reign a renewed effort was made to revive the prosperity of the corporate and market towns. In 1554 the government repealed in their favour the clause of an act passed under Edward VI. (1552), by which no one might weave broad woollen cloth in any place without serving an apprenticeship of seven years[2]. This repeal was followed by the Weavers' Act in 1555, which extended to most parts of the kingdom the principle embodied in the acts relating to Worcester and York. Henceforth "no person whatsoever, which heretofore hath not used or exercised the feat, mistery or art of cloth-making, shall . . . make or weave . . . any kind of broad white woollen cloths but only in a city, borough, town corporate or market town, or else in such place or places where such cloths have been used to be commonly made by the space of ten years"[3]. This legislation throws a remarkable light upon the efforts of the Tudor government to control the economic life of the country, and determine the direction of its industrial development. At the end of Mary's reign another act was passed, the preamble of which illustrates the nature of the exodus which was taking place from the towns to the villages. "Divers ancient cities . . . hath been in times past well and substantially inhabited", but "divers years past such persons as do use the feat or mistery of cloth-making . . . do daily plant themselves in villages and towns, being no cities, boroughs and towns corporate", and "draw with them out of cities . . . all sorts of artificers" to the decay of the older towns; and moreover "the weavers and workmen of clothiers when they have been traded up in the trade of cloth-making and weaving three or four years do forsake their masters, and do become clothiers and occupiers for themselves without stock, skill or knowledge"[4]. The

[1] *Itinerary*, ii. 91.
[2] *Statutes*, iv. part i. 142. Repealed for corporate and market towns: *ibid.* iv. part i. 232.
[3] *Ibid.* iv. part i. 287.
[4] *Ibid.* iv. part i. 325.

preamble is again followed by a prohibition against the manufacture of cloth, except in market or corporate towns[1]. Here, as in its efforts to check the agrarian revolution, the Tudor monarchy sought to divert the tide of economic change, which was transforming mediaeval conditions and for good or evil ushering in the modern world.

[1] How important the cloth trade had become by the reign of Elizabeth is shown by one of the minutes of the privy council, that arrangements for the employment of agricultural labourers were to be made "without annoyance to the good towns . . . and cloth-making": *Acts of the Privy Council*, 1586–1587, p. 8. Formerly the interests of industry had been subordinated to those of tillage.

CHAPTER X

FOREIGN TRADE

Early English commerce.

IN the latter part of the tenth century merchants from beyond the sea were already frequenting English shores in considerable numbers, and had gained a recognized status in the pursuit of their trade. A document of Ethelred II. sets forth the tolls charged at Billingsgate, and enumerates the different bodies of foreign traders who had obtained a foothold in this country. "The men of Rouen, who came with wine or dried fish, gave a due of six shillings for a great ship and one measure in twenty of the fish itself. Merchants of Flanders and of Ponthieu (in Picardy) and of Normandy and of France had to show their goods and pay full toll. Men of the Hague and Liége and Nivelles, if they passed through the land, did scavage and gave tolls. And the Men of the Emperor, if they came in their own ships, were held worthy of all good laws equally with ourselves; and besides wool and tallow in broken bulk, it was lawful for them to buy on board their own ships three live pigs. And it was not lawful for the portreeves to put upon them any trading fine; and [they had to] pay their own toll, and also at Christmas two white loaves, and one brown, and ten pounds of pepper, and gloves for five men, and two horse-tanks full of vinegar, and the like at Easter" [1]. The existence of some foreign commerce between England and the continent is shown in the famous letter of the Emperor Charlemagne to Offa, King of Mercia (796), in which he promises protection to English merchants: "Concerning the pilgrims who for the love of God and the salvation

[1] Liebermann, *Gesetze*, i. 232 (*c.* 991–*c.* 1002). For the Men of the Emperor, see *infra*, p. 464.

of their souls desire to visit the precincts of the Apostles, we have granted as of old that they may journey in peace, free from all disturbance, taking with them what they need. But we have discovered in their midst traders who pass themselves off as pilgrims, pursuing gain and not serving religion; if these are found among them, they must pay the fixed tolls in the regular places. You have also written to us about your merchants [1]. We would have them enjoy our protection and defence within our realm as we have ordained, according to the ancient custom in commerce, and if in any place they are distressed by unjust oppression let them appeal to us or our judges, and we will order justice to be done to them. Show like favour to our merchants, and if they suffer wrong within your realm let them appeal to your justice, so that disturbance may nowhere arise between us" [2]. This letter constitutes our oldest commercial treaty [3], and was intended to place the trading relations between the Empire and England on a sound and friendly footing.

Enterprise of the Scandinavian races.

It was not, however, until the coming of the Northmen that English foreign trade began to develop. The Scandinavian races at this period were displaying remarkable enterprise and activity. The Viking age began in 789, when the Scandinavians discovered the use of sails. Their daring and adventurous spirit is shown by the wide area over which they spread themselves. The Norsemen settled in Scotland and on the Irish coast, where they introduced the first native coinage [4]; the Danes in Normandy and England; while the Swedes built up the kingdom of Great Sweden, which stretched from Novgorod as far south as the Dnieper. Iceland and Greenland were discovered and settled, the latter by Eric the Red, whose son, Leif, also discovered America, which he named Vinland [5]. In England the Northmen occupied

[1] The first Saxon traders who fared over the seas are depicted in an Old English Dialogue, the Colloquy of Abbot Ælfric: S. H. Gem, *An Anglo-Saxon Abbot, Ælfric of Eynsham* (1912), 189.

[2] The Latin text is printed in *Bibliotheca Rerum Germanicarum* (ed. P. Jaffé), vi. 286. [3] Macpherson, *Annals of Commerce*, i. 248.

[4] C. F. Keary, *Norway and the Norwegians* (1892), 74.

[5] The sagas dealing with the voyages of the Northmen to Vinland are printed in *The Voyages of the Northmen*, ed. J. E. Olson (1906).

Northumbria and parts of the Midlands; and the permanence of their settlements is indicated by the survival of churches dedicated to St. Olave and by place-names; especially numerous are the records of their occupation in Lincolnshire[1].

Importance of Danish influences.

The Danish conquest of England was the most important event in the early history of English commerce. The Vikings were not only seamen but also traders; they were at once pirates and merchants, in whose graves a pair of scales were laid side by side with battle-axe and sword[2]. They brought to English shores the commodities of Northern and Western Europe, as well as the products of Eastern climes. They found their way to the Black Sea and the shores of the Caspian, and established commercial dealings with Constantinople and even with Asia itself. At a period earlier than the discovery of the sea passage to the East Indies and the activities of the Italian cities, the line of commercial intercourse between the Baltic and Arabia lay through Russia along the great rivers[3]. Scandinavia thus became the staple for Arabian wares and the merchandise of the countries bordering on the Caspian Sea; and it was doubtless by way of Scandinavia that England derived from the East her store of silver for currency. Evidence of considerable foreign trade between England and the North is furnished by the quantity of early English coins discovered in Gothland[4]. But the most valuable service which the Danish immigrants rendered English commerce was not so much to open up new trade routes, as to impart to the English people a knowledge and skill in seamanship to which they had hitherto been strangers. The Anglo-Saxons themselves displayed little aptitude for navigation, and had grown unaccustomed to a seafaring life. Indeed, when Alfred built his navy he was compelled to man part of it at least with Frisians[5]. The promise of thegnhood to the

[1] In the Danish part of England there are 1373 Scandinavian place-names, of which 604 end in *by*, *e.g.* Derby, Whitby. Lincolnshire contains 212 towns whose names end in *by*: Worsaae, *Danes and Norwegians*, map on p. 71. For Lincolnshire see G. S. Streatfeild, *Lincolnshire and the Danes* (1884), 3 *et passim*.

[2] A pair of scales were found in a Viking interment in the Hebrides: Keary, *op. cit.* 73. [3] Worsaae, *op. cit.* 102. [4] *Ibid.* 104-105.

[5] *Ibid.* 108. Compare Chadwick, *Origin of the English Nation*, 19.

merchant who thrice fared over the sea by his own means[1], reflects the estimation in which the exploit was held. The improvements which the Scandinavians introduced into the art of shipbuilding, their construction of vessels with the capacity to withstand the force of tempest and rough seas, justly entitle them to be regarded as the founders of modern navigation[2]. Thus the Danish settlement not only stimulated English shipbuilding, but infused into the English nation a hardy and vigorous element which found a natural outlet for its energies in maritime activities. In this way the Danes helped to lay the foundations of England's greatness as a commercial and maritime power.

Canute.

As a result of the Northern immigration English foreign trade began rapidly to expand. Hitherto it had extended only to the nearest parts of the continent, but now commercial relations were opened up with Scandinavia and even with Iceland and Greenland, and indirectly with Arabia and the remote East. Canute took steps to ensure safety for English merchants when journeying abroad. "I spoke", he wrote in a letter to his subjects, "with the emperor himself and with the pope and the princes who were there, in regard to the wants of my people, English and Danes, that there should be granted to them more equal justice and greater security in their journeys to Rome, and that they should not be hindered by so many barriers on the road nor harassed by unjust tolls"[3]. Had the great Danish empire which Canute built up survived, England might have thrown in her lot permanently with Northern Europe, and remained for many generations isolated from the influences and commercial life of Southern Europe. This would have been a misfortune, for the brilliant energy which Scandinavia had displayed was soon spent and died completely away; and the future was destined to lie with Southern Europe. From sharing in the decline which overtook the North, England was saved by the Norman Conquest, which made her a participant in the great heritage of civilization and culture that Rome had bequeathed to the Western world.

[1] Liebermann, *Gesetze*, i. 459. [2] Worsaae, *op. cit.* 108, 112 *seq.*
[3] William of Malmesbury, *De Gestis Regum* (Roll Series), i. 222.

Alien merchants in England.

In the early part of the Middle Ages the control of English commerce was largely in the hands of foreign merchants, who came not to reside permanently in this country, but to act as intermediaries between England and the rest of the world. Their history, however, is the record of one long ceaseless struggle with the authorities of English towns. The burgesses did not seek to prevent alien merchants from coming to these shores, for until Englishmen were ready to undertake the carrying trade there was no other way by which they could exchange native produce for foreign wares. But they endeavoured to restrict them to wholesale dealings with enfranchised traders, and they would not allow them to trade among themselves, or to have retail dealings with the body of English consumers. In other words, their purpose was to retain the internal trade of the country in their own hands while leaving only the carrying trade to foreign merchants. This policy conflicted with the interests of the king and the nobility, who as landowners were anxious to trade directly with continental merchants and save the profits of the native middlemen[1], selling to them their produce and purchasing from them imported commodities. The collision of interests was shown in the king's answer to a petition in 1290, when the citizens of London complained that aliens obtained more benefit from the trade of the city than they themselves, since they had to bear all the financial burdens by which they were impoverished; alien merchants, they complained, ought not to stay more than forty days and should sell only to citizens, but instead carried off all the profits. The reply was unfavourable; the king would not agree to expel them because they were "convenient and useful to the magnates"[2]. For centuries English commercial life was disturbed by unceasing strife over the rival claims of burgesses and aliens. In order to safeguard their exclusive monopoly of retail trade, and prevent direct contact between aliens and consumers, the burgesses endeavoured to establish certain regulations: no foreign merchant was to stay in England for a longer period than forty days and

[1] This may be inferred from the preamble to 9 Edw. III. Stat. 1, c. 1 (*Statutes*, i. 270).

[2] *Rot. Parl.* i. 55 *a*.

must reside with an English host, who was to witness all his commercial transactions; and he was not permitted to sell by retail or to trade with other foreign merchants. Already in the first half of the twelfth century, a foreign merchant was forbidden to sell retail or stay more than forty days in the city[1]. When Edward I. sought information as to the position of foreign traders (1300), the citizens of London declared that it was not permitted to foreign merchants to reside on the premises which they hired for the purpose of storing merchandise, or to receive other foreign merchants there; but that they ought to reside in the houses of citizens, and this for the space of forty days and no more, so that they sell their wares within that time[2]. In support of their claims the burgesses appealed[3] to Magna Carta, which contained two clauses. The first clause promised that "the city of London shall have all its ancient liberties and free customs as well by land as by water; furthermore we decree and grant that all other cities, boroughs, towns and ports shall have all their liberties and free customs". The second clause added the proviso that "all merchants shall have safe and secure exit from England and entry to England, with the right to tarry there and to move about as well by land as by water, for buying and selling by the ancient and right customs, quit from all evil tolls"[4]. These two clauses are mutually contradictory. The author of *The Mirror of Justices* interprets the second clause in his own fashion: "The article [in Magna Carta] about the residence of alien merchants is to be so understood, that this residence is not to be prejudicial to the towns nor to the merchants of England, and so that the alien merchants are to be sworn to the king and pledged if they stay beyond forty days"[5]. This may well have been the view of a London citizen whose legal judgment was swayed by civic patriotism, but it hardly commends itself as a correct explanation. On the whole, we are inclined to believe that the presence of these two clauses

[1] Liebermann, *Gesetze*, i. 674-675 (*c.* 1133–1154).
[2] *Letter Book C*, 80.
[3] *Rot. Parl.* ii. 296 *a* (1368). The petitioners refer to Magna Carta, c. 13.
[4] W. S. McKechnie, *Magna Carta* (1914), cc. 13, 41.
[5] *The Mirror of Justices*, 180.

in the Great Charter discloses the latent jealousy between the nobles and the burgesses, which even their temporary union could not altogether dispel. The first clause must be regarded as a vague concession to the towns, extorted by municipal pressure, the second—which is far more explicit—as representing the real views of the framers of the Charter [1]. At first the regulations of the burgesses were successfully enforced, and they were often inserted in town charters conferring the rights of self-government upon the townsmen. The charters of Bristol [2] (1188), Dublin [3] (1192), Waterford [4] (1232), Drogheda [5] (1253), contained clauses enjoining foreign traders to sell their merchandise within forty days, and to sell no cloth by retail "except at fairs", and buy neither hides, corn nor wool from non-burgesses. Thus London did not stand alone in denying freedom of traffic to alien merchants, though aliens naturally flocked in larger numbers to London than to any other town in England [6].

Policy of Edward I. towards aliens.

Occasionally, however, exceptions were made in favour of certain foreign towns as to the length of stay which their merchants were allowed to make in this country. The Hanseatic League enjoyed a privileged position, and London [7] in 1237 and Norwich [8] in 1286 entered into agreements with the woad merchants of Amiens and one or two other towns, by which they could "dwell within the city as long as they pleased", and sell their woad "to whomsoever they will, whether foreigners or natives". Again, Henry III. granted to the men of Douai (1260) that they might import their merchandise and "freely come to our realm and there stay, paying the customs due" [9]. He also offered merchants a safe-conduct to bring their wines to any English port upon payment of the "old and accustomed" duties, and at the same time (1236) promised not to take their wines to his own use nor permit others to do so [10]. But Edward I. was

[1] This conjecture seems confirmed by the fact that in 1320 the alien merchants appealed to Magna Carta as evidence of their liberties: *Close Rolls*, 1318–1323, p. 234.

[2] Latimer, *Bristol Charters*, 11.

[3] Gilbert, *Documents of Ireland*, 53.

[4] *Charter Rolls*, i. 158.

[5] Gilbert, *op. cit.* 133.

[6] *Rot. Parl.* ii. 258 *b* (1354).

[7] *Letter Book G*, 30; Riley, *Liber Albus*, i. 418-424. The Danes also had special privileges: *Liber Custumarum*, i. 63.

[8] *Records of Norwich*, ii. 209.

[9] *Letter Book B*, 234.

[10] *Patent Rolls*, 1232–1247, p. 148.

the first English king who made a deliberate attempt to destroy the monopoly of the privileged boroughs. At his accession London had displayed great joy. "The citizens flung gold and silver from the windows for anybody who cared to take it. The conduit on one side of Cheap ran with white wine, and the other side with red" [1]. But the king, moved partly by resentment at the treatment of Queen Eleanor [2], set aside the privileges of London and showed considerable favour to foreign merchants. Even during his father's lifetime Edward had revealed his interest in alien merchants, and in 1266 they had been placed under his protection [3]. More important still, Henry had agreed to take only "a reasonable portion on imports and exports whereby merchants will not be grieved immoderately" [4]. Edward's action was not, however, altogether disinterested, for the merchants were required to purchase his goodwill at a price which drew a remonstrance from the French king [5]; and after his accession to the throne they also lent him money. In 1285 he took the city of London into his own hands, suspending its liberties for thirteen years when he restored it to the citizens [6], and he availed himself of the occasion to extend to aliens a large measure of freedom. At the end of his reign he also established the financial relations between aliens and the Crown on a new footing; the famous *Carta Mercatoria* fixed the custom duties and at the same time allowed aliens to traffic wholesale with natives or aliens, and to reside where they pleased [7]. This stirred the jealousy of the Londoners, and they showed their resentment by their refusal to appoint collectors for the new customs in the city [8].

Policy of Edward II.

Edward II. found it beyond his strength to carry on his father's policy with his father's vigour; the bow of Ulysses

[1] *The Scalacronica of Sir Thomas Gray*, ed. Sir H. Maxwell (1907), 1.

[2] "In this year [1263] the Queen was shamefully hooted and reviled at London Bridge": Riley, *Chronicles of London*, 232.

[3] *Patent Rolls*, 1258–1266, p. 580.

[4] *Ibid.* 1258–1266, p. 575.

[5] *Ibid.* 1266–1272, p. 141 (1267).

[6] *Ibid.* 1292–1301, p. 341.

[7] The *Carta Mercatoria* is printed in *Liber Custumarum*, i. 205-211; Hakluyt, *Voyages* (ed. 1903), i. 327-333; H. Hall, *History of the Custom-Revenue* (1885), i. 202-208. See also *infra*, p. 523.

[8] *Letter Book C*, 135.

was too mighty for his nerveless hands. In 1311 the monarchy was put into commission and the Ordainers revoked the *Nova Custuma*, enjoining aliens to be governed "according to the ancient customs and usages" [1]. The phrase was doubtless intentionally vague, but the citizens of London were in no uncertainty as to its meaning; and when Edward went North the following year to save Gaveston, they utilized his absence to forbid aliens to remain more than forty days [2], and they seized the wine of a Gascon merchant because he had sold it to another foreign trader [3]. In 1322 parliament restored to Edward his authority, and the *Nova Custuma* were revived. In the last year of his reign the king embarked upon new industrial schemes, and in pursuance of his designs announced that merchant strangers were to be taken into the king's protection both in coming and going, and all persons were forbidden to do them any wrong [4].

Policy of Edward III.

The reign of Edward III. occupies a place of great importance in the history both of English industry and of English commerce. It was a storehouse of constitutional and economic experiments. It ushered in a long and ruinous war, but none the less it marked a real advance in the growth of English trade. So far as the motives of statesmen may be read in their actions, Edward III. would seem to have adopted a definite commercial policy, one of plenty and the open door as contrasted with mercantilist considerations of power. He encouraged aliens partly to further his schemes of foreign alliances and a continental empire, partly to make commodities abundant and cheap. In the opening year of his reign parliament had petitioned against aliens [5], and Edward granted a charter to London compelling aliens to sell their wares within forty days and to board with native hosts [6]. But in 1335 a statute enacted that merchants could trade freely in all places "within franchise or without", in spite of all "charters and usages" to the contrary [7]. Two years later, however, London obtained a charter safeguarding

[1] *Rot. Parl.* i. 282 *a* (1312).
[2] *Letter Book D*, 282 (1312).
[3] *Letter Book E*, 45 (1315).
[4] *Patent Rolls*, 1324–1327, p. 269; *supra*, p. 398.
[5] *Rot. Parl.* ii. 9 *a*, 11 *b*.
[6] Birch, *Charters of London*, 54.
[7] *Statutes*, i. 270.

its privileges, notwithstanding the act "made to the hurt of the liberties and customs of the city"[1]. Nevertheless, Edward was evidently convinced that aliens were necessary not only for the sake of the carrying trade, but also to develop the internal resources of the country. We have already seen how he introduced alien weavers; he also brought over clock-makers[2], and in 1347 it was made a ground of complaint that an alien, Tidman of Lynnburgh, owned the monopoly of tin in Cornwall[3]. Four years later the act of 1335 was renewed, by which full freedom of trade was conferred upon all merchants[4]. London repeatedly complained that the loss of the city's franchises had driven many to leave the city and take up their quarters elsewhere[5]. In 1367 the king was induced to prohibit foreigners from dealing in retail[6], yet the following year he directed the sheriff of London to make proclamation for the due observance of the act of 1351[7]. This the sheriff did not venture to do; and so extreme was the resentment of the Londoners, that a man was condemned to the pillory for spreading false reports touching merchant strangers being allowed to trade as freely as citizens[8]. Their opportunity came, however, in the Good Parliament of 1376 when the system of government built up by Edward III. crumbled to the ground, and all the discontented elements in the country found a voice. They alleged that the city was being impoverished, and that secrets of the realm were being discovered by spies[9]. This was evidently merely a pretext to mask their purpose with a patriotic pretence, but they gained their object; a charter was granted to them[10], and even the parliament of 1377, elected under the influence of their enemy, John of Gaunt, left their monopoly untouched[11].

With the accession of Richard II. to the throne a period

[1] *Letter Book F*, 14; T. Noorthouck, *History of London* (1773), 790.
[2] Rymer, iii. part ii. 845 (1368).
[3] *Rot. Parl.* ii. 168 *a*.
[4] *Ibid.* ii. 231 *b*; *Statutes*, i. 315.
[5] *Letter Book G*, 86, 185. Privileges of aliens confirmed 1364: *Statutes*, i. 383.
[6] Riley, *Liber Albus*, i. 493.
[7] *Letter Book G*, 231.
[8] *Ibid.* 283.
[9] *Rot. Parl.* ii. 347 *b*.
[10] *Letter Book H*, 53; Birch, *Charters of London*, 67.
[11] *Rot. Parl.* ii. 367 *a*.

Party factions in London under Richard II.

of confused and troubled relations set in; the policy of the government seemed to change year by year. But the key to the situation is clearly the fact that during this period the strife of party factions among the citizens of London assumed a national character, and determined for the moment the direction of parliamentary action. It is impossible not to connect the struggle of the London gilds [1] with the measures carried out by parliament during Richard's reign. The victualling gilds were adherents of the king, while the non-victuallers, who were free-traders, were associated with the opposition party of John of Gaunt. In the light of their struggle for supremacy, we can best interpret the wavering and fluctuating policy of the reign. In October 1377, when Brembre the leader of the victuallers was mayor, the merchants supplied the king with a loan of money [2]. Accordingly, in December, the king complied with the petitions of London and Norwich and excluded aliens from retail trade [3]. Steps were at once taken to secure these concessions; the misteries were ordered to make search for traders who brought merchandise to the city, and to see that London's privileges were not infringed by them [4]. But a few months later, in October 1378, Gaunt held parliament away from London at Gloucester and there it repealed the monopoly of the Londoners, "considering clearly the coming of merchant strangers within the realm to be very profitable from many causes to all the realm". Aliens were granted freedom to buy and sell all manner of wares wholesale, and small wares and provisions retail, and allowed to have dealings with one another [5]. In 1381 and 1382 Northampton, the opponent of Brembre, became mayor, and parliament again confirmed the privileges of aliens [6]. The indignation of the Fishmongers probably explains the countenance shown by some of their leaders to the insurgents of 1381; they were even accused

[1] *Supra*, p. 338.
[2] *Letter Book H*, 79.
[3] *Ibid.* 86; for the petitions, see *Rot. Parl.* iii. 27 *b*, 41 *b*.
[4] *Letter Book H*, 90.
[5] *Statutes*, ii. 6.
[6] A victualler was in office from 1377 to 1381, while Northampton was mayor in 1381 (*Letter Book H*, 169) and re-elected in 1382 (*ibid.* 200). Privileges of aliens confirmed: *Statutes*, ii. 23. The Fishmongers were specially aimed at in the statute (*ibid.* ii. 28), allowing aliens freely to buy and sell fish and victuals.

of admitting the rebels into the city[1]. The favourable treatment of aliens stirred great commotion in the city, and a petition in parliament attests the strength of the opposition which it aroused. The Commons prayed that for the greater quietness and maintenance of the peace among the subjects London should be entirely restored to its franchises. The reply was given that they should have their franchises—saving to the aliens their liberties, and saving also that the victuallers should have no special liberties by themselves, but should be under the rule of the mayor[2]. After Northampton had held office for two years, he was overthrown; Brembre was chosen mayor in October 1383, and maintained his seat "by strong hand of certain crafts of London"[3]. Almost immediately afterwards, in November, the Londoners recovered their monopoly in a new charter[4]. In 1388 the Merciless Parliament, which impeached Brembre and others of the king's party, restored their privileges to aliens[5]; none the less the tide was beginning to turn against the alien merchants. In 1390 a petition was presented, urging that merchant strangers repairing to England should be treated as English merchants were treated abroad. This was to be the watchword of the anti-alien party throughout the fifteenth century. For the moment the reply was unfavourable; merchant strangers were to be "well and courteously and rightfully used", so that they might have the greater courage to repair to England[6]. However, in 1393, the king felt himself strong enough to reverse the proceedings in favour of aliens, and once more re-impose the old disabilities upon them[7]. The merchants of London had been steadily advancing in wealth and power since the middle of the

[1] *Rot. Parl.* iii. 143 *b* (1382). [2] *Ibid.* iii. 147 *b*.

[3] *A Chronicle of London from 1089–1483* (1827), p. 75. Brembre was mayor three years in succession, 1383, 1384 and 1385 (*Letter Book H*, 220, 251, 276). He was succeeded by Nicholas Extone, a fishmonger and an adherent of Brembre, who held office two years, 1386 and 1387 (*ibid.* 290, 320). Northampton, after his fall from office, was brought to trial. The charges against him are printed in *The Peasants' Rising and the Lollards, A Collection of Documents*, ed. E. Powell and G. M. Trevelyan (1899), 27-38.

[4] *Letter Book H*, 222.

[5] *Statutes*, ii. 53; *Rot. Parl.* iii. 247 *a*. In 1388 the mayor of London was Nicholas Twyford, a goldsmith and supporter of Northampton (*Letter Book H*, 335).

[6] *Rot. Parl.* iii. 281 *a*; *Statutes*, ii. 77. [7] *Statutes*, ii. 83.

fourteenth century; they had improved their status and consolidated their position by the acquisition of royal charters. They were now, as events had shown, in a position to determine the struggle in their favour and to force their wishes upon the Crown.

Policy of the Lancastrians.

The poverty of Henry IV. weakened his power, and he was unable to withstand the interests of the mercantile classes. In 1404 it was enacted that alien merchants should receive the same treatment in this country as was extended to English merchants in other countries. They were forbidden to sell merchandise to one another, and were required to sell their wares "within a quarter of a year next after their coming", and also to spend the money they received upon native commodities[1]. The following year, however, the provision restricting the sale of commodities to a period of three months was repealed at the petition of the Italian merchants[2], and the Commons again renewed their complaints[3]. Henry V. carried on the policy of his predecessor; and in 1413 and 1416 confirmed the measures against aliens[4]. But the next reign witnessed a long stream of petitions complaining that the laws against aliens were not enforced. In 1427 the Commons made a strong remonstrance that the statutes relating to aliens "should be better kept"[5]. Southampton secured special concessions[6], but one cause of the unpopularity of later Lancastrian rule was the neglect to execute the laws against foreign merchants, a policy which alienated the trading classes and weakened the attachment of the city of London to the dynasty. The *Libelle of English Polycye*, reiterating a complaint as old as the fourteenth century, lamented that Englishmen abroad were worse treated than aliens in England; in Brabant they were required to sell their wares and buy their goods within fourteen days[7]. A Yorkist pamphlet on *Commercial Grievances*, published in 1452, shows

Unpopularity of later Lancastrian rule.

[1] *Statutes*, ii. 145.
[2] *Rot. Parl.* iii. 553 *a*; *Statutes*, ii. 150.
[3] *Rot. Parl.* iii. 661 *b* (1411).
[4] *Ibid.* iv. 13 *a* (1413); *Statutes*, ii. 197 (1416).
[5] *Rot. Parl.* iv. 328 *b*. The reply was unfavourable: *Le roi s'avisera.*
[6] *Hist. MSS. Comm.* 11th Rep. App. iii. 45 (1444).
[7] *Political Poems*, ii. 179.

that commercial questions had already begun to affect political issues: "The third article and full grievous is this, that the Lombards, Easterlings, etc., be suffered to abide so long within the land, and to utter [sell] their goods at their own lust" [1]. Richard III. in his unsparing efforts to gain popularity passed an act, which revived the old restrictions on aliens respecting retail dealing and length of residence, though the period was now extended from forty days to eight months [2]. Henry VII. at once repealed this act, though he granted a charter to London forbidding strangers to buy and sell to other strangers [3]. Complaints against aliens continued during the sixteenth century. In 1514 a petition from traders and artisans recited that the realm "is so inhabited with a great multitude [of] needy people, strangers of divers nations . . . that your liege people Englishmen cannot imagine nor tell whereto nor to what occupation that they shall use or put their children"; and it demanded that aliens should only remain in England one month [4]. The London shoemakers denounced their alien competitors on the amusing ground that "great ruth and pity it is to see great loss and decaying of all the king's subjects of this realm, that hath the use and wearing of such false stuff" [5].

Hosting of aliens.

To agitate for laws against aliens was only one part of the burgesses' programme; the other part was to carry out these laws by placing them under the control of English hosts, who were responsible for their guests and witnessed all their commercial transactions. The hostellers took oath "to be privy and oversee all manner [of] merchandise that any merchant alien, being under your said hostage and oversight, hath" [6]. The system was an old one, for in the twelfth century Henry II. granted the burgesses of St. Omer as an exceptional privilege the right to have lodgings in London

[1] Kingsford, *English Historical Literature in the Fifteenth Century*, App. xi. 363.
[2] *Statutes*, ii. 489.
[3] *Ibid.* ii. 507. For the charter to London: Birch, *Charters of London*, 95 (1485).
[4] Schanz, *Englische Handelspolitik*, ii. 596, No. 141.
[5] *Ibid.* ii. 598, No. 142 (*c.* 1528).
[6] *Letter Book D*, 194. A document illustrating the hosting of aliens is printed in *English Economic History, Select Documents*, 197.

at their own choice, and to sell their goods to whom they would without view of justice or sheriff[1]. An exception was also made in favour of Teutonic merchants: "The common law of the Men of the Emperor of Germany is that they may lodge within the walls of the city of London where they will" (*c.* 1130)[2]. But it was difficult to enforce, and as early as 1269 twenty merchants were fined a thousand pounds, because they used their own weights and refused to lodge in houses belonging to citizens[3]. In 1285 foreigners were forbidden by statute to be innkeepers for denizens or strangers[4].

Difficulty of enforcing the system.

London sought in 1300 to make the system of hosts compulsory, and ordered alien merchants "that they for the future keep no hostels themselves for bed and board, but they shall lodge only in the hostels of freemen on pain of forfeiture of all their movables"[5]. In 1377 another petition insisted "that no stranger keep hostel within the realm"[6]. Early in the fifteenth century (1404) a vigorous attempt was made to establish the system on a proper footing, by compelling the local authorities in every town to which foreign merchants repaired to assign hosts for their reception[7]. The demand that aliens should live in "some notable house", and buy only with the cognizance of the householder, became the burden of repeated petitions in 1411, 1413 and 1420; while in 1425 it was made the condition of a grant that "all merchant strangers shall be under host within fifteen days after their coming, and ere they make any sale of their merchandise"; and to sell their wares within forty days after their coming under host[8]. The failure of all their efforts drove the Commons to intimidation, and in 1432 they demanded that any mayor or bailiff, who suffered alien merchants "to be at large under his control and will",

[1] *Cal. of Documents in France*, 491,

[2] M. Bateson, "A London Municipal Collection", in *English Hist. Review*, xvii. 501, § 12. For another version of these early rules for foreign merchants, see Riley, *Liber Custumarum*, i. 61 *seq.* Amiens was also exempted, *supra*, p. 450.

[3] *De Antiquis Legibus Liber*, 118-119.

[4] *Statutes*, i. 103.

[5] *Letter Book C*, 65.

[6] *Rot. Parl.* iii. 17 *b*.

[7] *Statutes*, ii. 145.

[8] *Rot. Parl.* iii. 661 *b* (1411); *ibid.* iv. 13 *a* (1413); *ibid.* iv. 126 *b* (1420); *ibid.* iv. 276 *a* (1425).

should pay the extreme penalty of sixty pounds for each alien [1]. This violence overshot the mark, and the next year parliament extended the period of residence to three months and reduced the penalties: the mayor of London was to incur a fine of forty pounds for neglect, and other towns half the amount [2]. But the government still refused to give way; the reply invariably was: *Le roi s'avisera.* In 1439 the pertinacity of the Commons, after many ineffectual attempts, seemed rewarded; and they were successful in placing upon the statute-book the act of 1439, by which aliens were to sell their wares within eight months and were brought under the control of English hosts, who should have cognizance of all sales. The act attracted great attention; it was to hold good for eight years [3], but contemporaries are agreed that it was inoperative. "The Commons desired that Lombards and aliens should be put unto hosts; but it was long afore it might be granted; and so it was granted and not performed, to great hindering of the merchants of England" [4]. The chronicler Bale also adds his testimony that "the ordinances took none effect" [5]. The system of compulsory hosts survived under the Yorkists and Tudors, for in 1475 Norwich [6], in 1482 Ipswich [7], and in 1491 Yarmouth [8], ordered that no aliens should harbour strangers. At Newcastle, where the hostmen formed a corporation as early as 1517 [9], it was laid down (1548) that no host should make purchases from his guest, but that a number of the fellowship should be appointed as "price-makers" or

[1] *Rot. Parl.* iv. 402 *a.* [2] *Ibid.* iv. 454 *a.* [3] *Statutes*, ii. 303.

[4] *Chronicles of London*, ed. C. L. Kingsford (1905), 153. The act is also referred to in *A Chronicle of London from 1089–1483*, p. 126.

[5] Flenley, *Six Town Chronicles*, 114. The question of hosting seems to have stirred considerable feeling in Henry VI.'s reign. Cf. the "Libelle":

> "What reason is it that we should go to host
> In their countries, and in this English coast
> They should not so, but have more liberty
> Than we ourself . . .". (*Political Poems*, ii. 178.)

[6] *Records of Norwich*, ii. 101.

[7] Bacon, *Annals of Ipswich*, 147; Wodderspoon, *Memorials of Ipswich*, 189.

[8] Swinden, *Antiquities of Great Yarmouth*, 497, No. xx.

[9] *Records of the Company of Hostmen of Newcastle-upon-Tyne*, ed. F. W. Dendy (1901), p. xxix. This company obtained a monopoly of the sale of coal.

" viewers " to buy merchandise brought within the town by any stranger, " at such reasonable price as by their discretions shall be thought convenient " ; and the commodities purchased were then distributed among the members " according to the rates of shipping " [1]. Even in the time of Elizabeth a citizen of London, William Tipper, received a grant of letters patent (1576) by which he was to appoint hosts for merchant strangers in London and elsewhere, and to have the oversight of their trade and levy an imposition of twopence in the pound on the value of their purchases and sales. At Norwich (1578) the authorities, out of consideration for the strangers settled in their midst, " and for the experience we have had of your godly disposition and good behaviour amongst us ", purchased from Tipper the delegacy of his privileges in so far as they affected Norwich [2].

Taxation of aliens.

The number of aliens settled in England was very considerable [3], and under Edward III. (1343) a proposal was made that they should be taxed. This expedient was in accordance with the anti-alien programme, but it was prompted also by the feeling that foreigners ought to share in the burdens of the country [4]. In 1439 an annual tax of sixteenpence was imposed on resident aliens, and ten years later a subsidy of six shillings and eightpence was levied on foreign merchants and twentypence on their clerks. In 1453 domiciled aliens were required to pay forty shillings yearly, those who remained only for a period of six weeks twenty shillings, and aliens who became denizens ten marks [5].

Export of gold and silver.

One charge directed against foreign traders [6] was that they drained the country of gold, and depreciated the currency by circulating base money. The evil was already producing its inevitable effects in 1298 when men began to

[1] *Newcastle Merchant Adventurers*, i. 52.

[2] Huguenot Soc. Pub, i. part i. 39-41. The clauses of the grant relating to the oversight of trade and the levy of a tax were disallowed on the intervention of Archduke Mathias : *ibid.* 40.

[3] *Patent Rolls*, 1429–1436, pp. 537-588, for a list of aliens who settled in England in the early part of the fifteenth century.

[4] *Rot. Parl.* ii. 137 *b*.

[5] *Ibid.* v. 6 *b* (1439) ; v. 144 *b* (1449) ; v. 230 *a* (1453). Cotton, *Exact Abridgement of Records* (1657), 649, is inaccurate : " And of every merchant alien *being no denizen*, £6, 13s. 4d. yearly ".

[6] Proclamation enforcing the acceptance of current money : *Letter Book C*, 89.

refuse the coin of the realm, and the government was forced to take action[1]. The *Statutum de Falsa Moneta* (1299), supplemented by a statute ascribed to Edward II., endeavoured to go to the root of the evil by forbidding any one to bring in foreign money[2]. But in the main the government was chiefly concerned to prevent money from leaving the country. Edward III. took steps to prevent the export of coin; his action had nothing to do with the later mercantilist doctrine that money is wealth, or that abundance of money is the sign and symbol of power. England was alarmed at the prospect of losing its store of precious metals, used for economic purposes as instruments of exchange; for throughout the Middle Ages, until the discovery of America, the supply was inadequate. In 1335 an act provided that no one "shall carry any sterling out of the realm of England", and "that no pilgrim pass outside our realm to foreign parts, except through Dover, under pain of a year's imprisonment"[3]—in order that they should not take gold out of the country. In 1343 the prohibition was repeated that bullion should not be carried out of the realm, "in any manner nor for any cause whatsoever"[4]. In spite of legislation, the export of money apparently went on without intermission; it was the ground of complaint in 1351[5], and though another statute was passed in 1364[6], murmurs were again renewed under Richard II. in 1379[7] that the country was being depleted of money. Three years later the officers of the mint gave warning that money was leaving the country, and what remained was becoming deteriorated; if remedy were not speedily applied, "where you think to have five shillings you will not have four". The advice of Richard Aylesbury was that if the merchandise exported from England were well and rightly governed, the money that is in this country would remain, and much money would come from beyond the sea; that is to say, foreign merchandise ought not to be brought within the realm in a greater

[1] *Letter Book C*, 28.
[2] *Statutes*, i. 132, 219. For A.-S. legislation, see Liebermann, *Gesetze*, 236.
[3] *Statutes*, i. 273; Statham, *Dover Charters*, 101.
[4] *Statutes*, i. 299.
[5] *Rot. Parl.* ii. 228 *b*.
[6] *Statutes*, i. 383.
[7] *Rot. Parl.* iii. 64 *a*.

quantity than the value of the native merchandise which passes out of the realm[1]. Accordingly, an act (1382) was passed forbidding the export of gold and silver[2]. Here, again, the importance of having a plentiful supply of money for purposes of circulation is sufficient to explain the motive of Richard's measures. It was easy enough to forbid the export of money; it was more difficult to prevent it. In 1390 a concession was made, by which aliens were to expend one half of the money they received on English goods, and might carry the other half out of the realm[3]. Henry IV. at first adopted this plan[4], but subsequently insisted that all the money received by foreign merchants in England must be laid out on English goods[5]. In the next reign (1420) the Commons again petitioned that no one should take money out of the country[6]; and on several occasions (1423, 1429 and 1449) the prohibition was enjoined under Henry VI., and foreign merchants were ordered to find surety that they would neither compel payment in gold, nor refuse silver, nor carry gold or silver out of the kingdom[7]. The prohibition was repeated in later reigns (1465, 1478, 1489, 1510, 1512)[8], and even under Elizabeth alien merchants are found complaining that they were not always able to employ their money within the period of three months assigned to them[9].

Attacks upon aliens.

The hostility towards alien strangers found expression in many riots and disturbances, which were largely the work of interested rivals. The Lombards were attacked in London in 1359[10], and foreign merchants were roughly handled both in London and throughout the country at the time of the Peasants' Revolt. "Many Flemings",

[1] *Rot. Parl.* iii. 126-127 (1382). One of the Articles in the Yorkist *Commercial Grievances* states: "It is needful for to know how the money, gold and silver, goeth into divers realms and countries. And how for to let [hinder] it, that it should not pass. And how to get it again": Kingsford, *Historical Literature in the Fifteenth Century*, 362.

[2] *Statutes*, ii. 17; *Rot. Parl.* iii. 102 *a*.

[3] *Statutes*, ii. 76.

[4] *Ibid.* ii. 122.

[5] *Ibid.* ii. 138. Confirmed *ibid.* ii. 145.

[6] *Rot. Parl.* iv. 126 *b* (1420).

[7] *Statutes*, ii. 219 (1423), 257 (1429), 349 (1449).

[8] *Ibid.* ii. 413 (1465), 452 (1478), 546 (1489); iii. 7 (1510), 23 (1512).

[9] Schanz, *Englische Handelspolitik*, ii. 379, No. 77.

[10] Riley, *Memorials*, 302.

observes a London chronicler, "lost their heads at that time, and namely they that could not say Bread and Cheese but Brod and Case"[1]. The Hansards were only saved from destruction by their strong walls, which defied the malice of their enemies. Attention has already been drawn to the multitude of petitions against aliens under the later Lancastrian dynasty, and the resentment culminated in the famous riots of 1456 and 1457. After the second riot the Venetians, Genoese and Florentines resolved to withdraw from London, and Winchester was proposed as the new centre of commerce. Even a century earlier, a scheme to abandon London on account of its persistent hostility to alien traders had been contemplated. A Genoese merchant urged upon the king to make Southampton the seat of traffic, and was assassinated through the jealousy of the London traders[2]. The Venetian Senate, as will be seen, approved of the proposal and forbade its merchants to resort to London, but eventually the Italians once again returned[3]. In 1517 another outbreak occurred: "In this year on May Day, which is called Ill May Day, was there an insurrection in London of young persons against aliens: of the which divers were put to execution, and the residue came to Westminster with halters about their necks and were pardoned"[4]. Not only in London but elsewhere, we have glimpses of the disturbed relations between burgesses and strangers; thus early in the fourteenth century there were risings at Norwich, in which foreign traders were driven from the city[5]. But in spite of these unpleasant incidents, the resident alien merchants had a share in national movements and played their part in the civic life of London, in its pageantry and processions. When Henry VI. returned to London after his coronation at Paris, the citizens rode out to welcome him.

[1] Kingsford, *Chronicles of London*, 15. At Yarmouth the insurgents beheaded three Flemings (Powell, *The East Anglia Rising*, 32), and elsewhere there was great hostility displayed (*ibid.* 63).

[2] Walsingham (Roll Series), i. 407 (1379).

[3] *Infra*, p. 470. There were two distinct riots; see R. Flenley, "London and Foreign Merchants in the Reign of Henry VI.", in *English Hist. Review*, xxv. 650.

[4] Flenley, *Six Town Chronicles*, 192; Holinshed, *Chronicles*, iii. 617-624.

[5] *Vict. County Hist. Norfolk*, ii. 480 (1312).

" And for to remember of other aliens :
First Genoese though they were strangers,
Florentines and the Venetians,
And Easterlings clad in their manners " [1],

rode after the mayor to meet the king. The chronicler records that when Queen Mary was received into the city, the pageants of the strangers—the Genoese, Hansards and Florentines—" were the mightiest " [2].

The Hanseatic League.

Foremost among the aliens who flocked to these shores were the merchants of the Hanseatic League, known as the Easterlings, who from early times exercised extensive privileges which were denied to others. They are described by Wheeler in his *Treatise of Commerce*, written at the end of the sixteenth century, as " people of certain free towns in the Empire ", of which the chief were Lübeck, the head of the League, Danzig and Brunswick [3], all closely united in an offensive and defensive alliance for purposes of commerce. Originally formed as a mercantile league, they developed into a great political state which dominated the north of Europe, and at one time even subdued Denmark. They acquired large franchises in different countries, and were assigned places of residence at Bergen in Norway, at Novgorod in Russia, and at Bruges in the Low Countries, while their position in England was more privileged than anywhere else. They were already settled in this country in Anglo-Saxon times, and prior to the formation of the Hanseatic League had obtained special immunities. In the twelfth century (1157) Henry II. concluded an alliance with the Emperor Barbarossa, which sought to stimulate commercial intercourse between merchants of the Empire and England [4]. At the same time he took under his protection the London house of the men of Cologne [5], and

[1] Kingsford, *Chronicles of London*, 98.

[2] " Two London Chronicles ", in *Camden Miscellany*, xii. 29.

[3] John Wheeler, *A Treatise of Commerce* (1601), 62-63. For a general sketch of Hanseatic history, see H. Zimmern, *Hansa Towns* (1889).

[4] Hakluyt, *Voyages* (ed. 1903), i. 316. For privileges enjoyed by the Men of the Emperor in earlier times, see *supra*, pp. 444, 458.

[5] J. M. Lappenberg, *Urkundliche Geschichte des Hansischen Stahlhofes zu London* (1851), ii. 6.

Richard I. freed them from taxes for a time in return for their contributions towards his ransom[1]; at this period Cologne was the most important commercial town in Germany, owning a Hanse in London as early as 1157. Its immunities were confirmed by John[2] in 1213, while Henry III. in 1235 released them from the yearly rent of two shillings which they paid for their Gildhall in London, as well as from other customs and exactions. He further gave them freedom safely to go and safely to come throughout the whole realm, to resort to fairs, and to buy and sell both in London and elsewhere[3]. These privileges were gradually extended to other towns, and in 1257 the men of Lübeck, Brunswick and Denmark received a charter conferring similar franchises[4]. At the instance of his brother Richard, King of the Romans, Henry also confirmed (1260) the ancient privileges of merchants, who had the house in London "commonly called the Gildhall of the Teutons"[5]. Subsequently (1266) the merchants of Hamburg were granted a separate Hanse throughout the realm, "in the same way as the merchants and burgesses of Cologne have their Hanse"[6]. These concessions to Teutonic merchants were intended to win their allegiance to Richard, for it was distinctly added: "provided that the said burghers do in the meantime behave themselves well and faithfully towards our elected brother"[7]. These privileges of the Hansards were confirmed by Edward I. and Edward II.[8].

Privileges of the Hansards.

"Among the privileges", says Wheeler, "one was to carry out and bring in wares for an old custom of one and a quarter upon the hundred, and were thereby exempt from all personal or real contribution which all other merchants

[1] Lappenberg, *Urkundliche Geschichte des Hansischen Stahlhofes zu London*, ii. 7.
[2] *Ibid.* ii. 7 *seq.*
[3] Hakluyt, i. 322; Riley, *Liber Custumarum*, i. 66.
[4] Hakluyt, i. 324. Lübeck's charter was renewed in 1267: *Patent Rolls*, 1266–1272, p. 23. Brunswick also received privileges in 1230: *ibid.* 1225–1232, p. 415.
[5] Rymer, i. part i. 398; Hakluyt, i. 326. Riley regards this "Gildhall of the Teutons" as originally distinct from the Hanse of Cologne (*Liber Custumarum*, i. p. xlii). Possibly, however, they were identical (Kingsford, *Stow's Survey of London*, ii. 278, 319).
[6] *Patent Rolls*, 1266–1272, pp. 5, 23.
[7] Hakluyt, i. 324.
[8] Rymer, i. part ii. 588 (1280); *ibid.* ii. part i. 137 (1311).

are subject to"[1]. The measure of the preferential tariffs enjoyed by the Hansards can best be gauged by a comparison of the custom duties on cloth paid by English, Hanseatic and other alien merchants under the early Tudors[2].

	English.	Hansards.	Other Aliens.
Dyed cloth . . .	28d.	24d.	66d. (+12d. as subsidy)
Cloth half dyed . .	21d.	18d.	49d. (+12d. as subsidy)
Undyed cloth . .	14d.	12d.	33d. (+12d. as subsidy)

So jealously were their privileges guarded, that on one occasion the Hansards expelled a merchant who had paid larger customs than were due[3]. In addition they enjoyed the right to sell certain commodities by retail, despite the prohibition against retail trading, to reside where they pleased and for any length of time. Anti-alien legislation always contained a saving clause in favour of their liberties[4]. Even the city of London, which did not easily brook the violation of its privileges, appears to have raised little objection to the independence of the Hansards. In 1282 a composition was drawn up, by which the Hanseatic traders undertook to repair one of the city gates, Bishopsgate, and accept part responsibility for its custody, while in return the city ratified their franchises[5]; a few years later (1305) they were also relieved of toll at Bishopsgate in consideration of their services[6]. They retained the custody of Bishopsgate until 1461, when they were deprived of it for not keeping the gate in repair[7]. The Hansards had sometimes occasion to complain that they were distrained for toll contrary to their agreement, and the justice of their contention was usually admitted[8]. But friction occurred when the league abused its privileges, and 'coloured' the goods of other alien mer-

[1] Wheeler, *op. cit.* 63.

[2] Schanz, *Englische Handelspolitik*, ii. 6.

[3] *Letter Book H*, 278.

[4] (i.) 1363: *Rot. Parl.* ii. 275 *b*. (ii.) 1376: *ibid.* ii. 347 *b*; *Letter Book H*, 53. (iii.) 1439: *Statutes*, ii. 305. (iv.) 1465: *ibid.* ii. 411.

[5] Riley, *Liber Albus*, i. 485. The composition was renewed in 1427: *Letter Book K*, 46.

[6] Riley, *Liber Custumarum*, i. 112.

[7] *Letter Book L*, 13.

[8] (i.) 1347: *Letter Book F*, 174. (ii.) 1411: *Letter Book I*, 95—the composition there referred to is that of 1282 (and not 1237, as stated on page 95, *n.* 2; the composition of 1237 being that of London and Amiens). (iii.) 1418: *ibid.* 198.

chants. In 1299 they were charged with harbouring strangers under pretext of their liberties, and avowing their goods as their own. This not only defrauded the king of his revenues, but also facilitated the concealment of bad money; and the practice was strictly forbidden [1].

The Steelyard.

The London house of the Hansards was called the Steelyard. It was in their occupation as early as 1320 [2], but they did not become actual owners till 1475, when the city council conveyed it to them [3]. They were governed by an alderman and assistants, who ruled by merchant law [4]. In the fifteenth century the alderman, at the merchants' own request, was appointed by the king — a sign of the friendly relations which often subsisted between the Hansards and those among whom they were settled [5]. Even in the thirteenth century an alderman of the Hanse, Arnald, became a civic alderman [6], and in 1381 the mayor of London, William Walworth, was elected by the Hanse to be their alderman [7]. On another occasion they made "a free-will offering" in relief of Dowgate Ward, when it was unable from poverty to raise its contribution for the defence of the city [8]. Merchants of the Hanse also settled in provincial centres, of which the chief were Boston and Lynn.

The Hanseatic merchants were not the only foreign traders who frequented these shores. The Gascons brought wine, which was the main article of import as wool was the main article of export [9]; and the Flemings owned a Hanse in London [10]. England also carried on relations with Venice,

[1] Riley, *Liber Custumarum*, i. 196; and *infra*, p. 497.

[2] Kingsford, *Stow's Survey of London*, ii. 319. For a description of the Steelyard see R. Pauli, "The Hanseatic Steelyard in London", in *Pictures of Old England*. The Steelyard and the Teutonic Gildhall were at first distinct (Macpherson, *Annals of Commerce*, i. 691); but subsequently the terms were used interchangeably (Kingsford, *op. cit.* ii. 319).

[3] *Letter Book L*, 127; *Rot. Parl.* vi. 123-124.

[4] Wheeler, *Treatise of Commerce*, 63.

[5] (i.) 1425: *Rot. Parl.* iv. 303 *a*; (ii.) 1460: *Letter Book K*, 401.

[6] *Supra*, p. 174.

[7] *Letter Book H*, 158. The choice of a city magistrate in the year of the Peasants' Revolt was doubtless to secure official protection against attack.

[8] *Letter Book K*, 403.

[9] For the wine trade see A. L. Simon, *The History of the Wine Trade in England* (1906), which brings together the information on the subject.

[10] The Flemish Hanse was formed in the thirteenth century by a number of cities, chiefly Flemish, but some belonging to N. France: E. Varenbergh, *Relations diplomatiques entre Flandre et l'Angleterre* (1874), 145 *seq.*

Commercial intercourse with Venice.

the greatest commercial city of the Middle Ages, and other Italian towns. As early as 1265 English cloth found its way to Venice[1], while the Tuscan merchants of Lucca and Florence obtained a large share in the wool trade[2] and engaged in financial dealings with the Crown. At first traffic between Venice and the great Flemish marts was maintained by land, but in the fourteenth and fifteenth centuries a fleet of merchant vessels—known as the "Flanders' Galleys"—was sent every year by the Venetian Senate, laden with Eastern produce, especially currants, and Italian commodities. To encourage maritime intercourse with the West, wool brought overland to Venice from England and Flanders paid a duty of 25 per cent., while after the return of the galleys it paid only 3 per cent.[3] Part of the fleet visited Flanders, and part visited England, touching at Sandwich, Southampton, St. Catherine's Point and London. Independent trading ventures were also made by private merchants, and a large number of Venetians were settled in London. The voyage seems to have occupied the greater part of a year, and the fleet purchased fresh cargoes at the different ports which it visited. The crews were kept under strict control: "As the oarsmen of the galleys", ran a decree of the Senate in 1408, "when in London and Bruges pledge themselves in the taverns beyond the amount of pay received by them in those ports, so that the masters are compelled to go round the taverns and redeem the men at very great trouble and expense, it is ordered that all who shall be pledged in taverns to the amount of four ducats each above the pay received by them shall be redeemed by the masters, the money paid on their behalf to be placed to their debit"[4]. Henry IV. granted authority to the captains and masters of the galleys to determine all civil suits relating to matters affecting the galleys or their crews[5]. The Flanders' Galleys appear to be mentioned for the first time in 1317[6], and from this

[1] *Supra*, p. 395. Spanish merchants also traded here: *supra*, p. 395; and Abram, *Social England in the Fifteenth Century*, 38.

[2] See E. Dixon, "The Florentine Wool Trades in the Middle Ages", in *Trans. Royal Hist. Soc.* N.S. xii. 169.

[3] *Venetian State Papers*, i. 7, No. 21 (1331).

[4] *Ibid.* 44, No. 158. [5] *Ibid.* 40, No. 138 (1400). [6] *Ibid.* 3, No. 9.

period onwards England's trade with Venice grew in importance. Almost from the very outset, however, the relations between the two countries were disturbed by incidents of violence and bloodshed. In 1319 a Venetian trader sold in London his cargo of sugar, and bought a quantity of wool at Boston; while conveying his purchases to Flanders he was attacked off the Wash by English pirates, and killed. Venice sent her first ambassador to England to demand reparation; but while the controversy was still pending a settlement, the Venetian Galleys reached Southampton in 1323, and the ill-feeling broke out in a serious affray which led to loss of life and property[1]. Complaints of injuries inflicted upon Venetian merchants continued at intervals to interrupt the current of commercial intercourse, and there were also disputes with custom-house officers[2]. Venetian trade was bitterly criticized in the *Libelle of English Polycye*[3], and Italian merchants were attacked in the parliament of 1439. One petition dealt with the carrying trade. It set forth how formerly Italian traders brought only wines, spiceries and other merchandise from the countries that lie beyond the Straits of Gibraltar; this was not detrimental to the English navy, while imports were "at better cheap and price within this realm". But now they had also become the carriers of countries on this side of the Straits, Spain, Portugal, Brittany and others, whose commodities had hitherto been borne in their own or English ships. The result was an "outrageous increase in price" as well as great "hurt" to the navy, and the demand was put forward that Italians should only import commodities from beyond the Straits of Gibraltar[4]. Another petition denounced "the great deceit that is used by Lombards, Italians, and by other merchants alien", in selling spiceries that were not "clean cleansed nor clean garbled"[5]. The wool merchants, some years later (1455), also vented the grievance that "merchant strangers Italians" bought woollen cloth, wool, wool-fells, and tin in every part of the kingdom with ready money, and so made their purchases at reduced prices. They urged

Disturbed relations.

[1] *Venetian State Papers*, i. 3, No. 11; 5, No. 18.
[2] *Ibid.* 46, No. 165 (1408).
[3] *Infra*, p. 500.
[4] *Rot. Parl.* v. 31 *b*.
[5] *Ibid.* v. 32 *a*.

that aliens should be allowed to buy these commodities only "in your ports of London, Southampton and Sandwich, where usually all merchants with galleys and carricks arrive, and in the town of Westminster"[1]. It is evident that the wool-dealers, like the clothiers in their relations with the cloth-workers[2], were seeking to compel the wool-growers to accept truck payments, and were irritated at finding that they preferred to sell their wool for ready money to foreign purchasers. These petitions failed to move the government, but the silk-weavers were more successful, as we have seen[3], in their plea for protection. Edward IV. extended this protection to other branches of native industry, including woollen cloths, woollen caps, laces, ribbons, harnesses, purses, gloves, shoes, knives, daggers and pins[4]. The hostility of London citizens, expressed in the petitions of 1439 and 1455, culminated in the riots which broke out against Italian traders in 1456 and 1457. A decree of the Senate (1457) prohibited all relations with the citizens of London. It stated that "by reason of the insult perpetrated by certain artificers and shopkeepers of London against the Italian nation to the risk of their lives and property, the merchants of the Italian nation—namely, the Venetians, Genoese, Florentines and Lucchese—met together, and after consultation determined that it was necessary to quit London for personal safety and security of their property; and for their asylum they selected Winchester, stipulating amongst themselves that no individual of the nations aforesaid might go to London or trade there". This resolution was now confirmed with the warning that: "if any man of the Venetian ships bound to England go to London as long as the merchants remain absent, the consul shall levy a fine from him of five hundred light livres", and "should any one going to London buy or sell", he should also forfeit the whole of what he bought or sold[5]. Subsequently, however, the Italians returned to London. The last

[1] *Rot. Parl.* v. 334 *b*. [2] *Supra*, p. 423. [3] *Supra*, p. 319.
[4] *Statutes*, ii. 396. Similarly, *ibid.* ii. 495. For the Yorkist protectionist policy in the cloth trade, see *supra*, p. 401.
[5] *Venetian State Papers*, 84, No. 339. See also *Letter Book K*; 385; Kingsford, *Chronicles of London*, 166; and *supra*, p. 463 (*n.* 3).

visit of the Flanders' Galleys was in 1532; henceforth Venetian merchants traded with London at their own risk, and no longer under the auspices of the Venetian state.

The staple

The history of English commerce in the fourteenth and fifteenth centuries is largely the history of the English staple. The staple[1] was a depot where traders deposited their wares; it was a continuous mart at which commodities were bought and sold, just as the fair was a periodical mart. The underlying principle of the staple system, which ultimately was a creation of the state rather than a private enterprise, was to regulate the stream of commerce and force it into definite channels. The staple town served as a centre of distribution, to which merchandise was carried in the first instance and there exposed for sale. When it exercised a monopoly and was made compulsory for traders it prevented free trade, but was recommended to the government by certain fiscal and political advantages. Its primary purpose was to facilitate the collection of the custom-revenue. It was devised as part of the financial machinery to prevent evasion of toll on the part of those who exported English wool abroad *furtim et occulte*[2], and also to safeguard against the fraudulent malpractices of collectors, who were accused of grave offences in the discharge of their duties[3]. At the same time it enabled the king more easily to enforce a recognized standard of quality, by bringing the export trade under the direct control and supervision of the royal officials. The staple also served a political purpose as an instrument of diplomacy, by which to conciliate friends and intimidate enemies. Foreign courts intrigued for its possession, and it was eagerly sought after by France, Holland, Flanders, Artois and Brabant. When the staple was fixed at Calais, it fulfilled other functions to which attention will be directed later.

The institution of the staple originated to all appearance

[1] For the etymology of the word staple, see E. Williams, *Staple Inn* (1906), 5.

[2] These words occur in the ordinance establishing the staple at Bruges in 1341: Rymer (R. ed.), ii. part ii. 1172.

[3] *Patent Rolls*, 1321–1324, p. 164 (1322).

Its early beginnings.

in the thirteenth century, though the details of its organization were not worked out until the fourteenth. Its early beginnings are extremely obscure. The Merchant Staplers claimed that a staple of English wool existed as early as 1266—and there are grounds[1] for accepting their statement; but we have no knowledge as to its whereabouts. In 1285 Edward I. entered into an alliance with Holland, and a staple was set up at Dordrecht[2]. Subsequently (1296) the English king united with the Flemings, and the staple, we are told, was removed to Bruges[3]. About the same time, we find "the merchants of England" frequenting Antwerp which John, Duke of Brabant, granted to Edward I. in 1296[4]; and here they remained at intervals during the rest of the reign[5]. The development of the staple system was carried a step further by an Ordinance of 1297, which enjoined that wool and other merchandise should have no passage out of the realm save at the following ports: Newcastle-on-Tyne, Hull, Boston, Yarmouth, Ipswich, London, Sandwich, Southampton and Bristol, where collectors of customs were appointed[6]. The object of this measure was purely fiscal; it sought to divert the export trade of the country into regulated channels for purposes of revenue. But it marked a stage in the growth of the staple, because it

[1] (i.) In 1320 English merchants contended that a staple for wool was in existence under Henry III. and Edward I., and as the fact alleged was *in hominum memoria*, it is worthy of credence: *Close Rolls*, 1318–1323, p. 234. (ii.) The tradition of a wool-staple under Henry III. survived as late as 1583, and was not denied by the Merchant Adventurers, who were then contesting the claims of the Merchant Staplers: Schanz, *Englische Handelspolitik*, ii. 588, No. 135.

[2] Varenbergh, *Relations diplomatiques entre Flandre et l'Angleterre*, 165; C. M. Davies, *History of Holland* (1841), i. 112.

[3] Varenbergh, *op. cit.* 180; Davies, *op. cit.* i. 117. Permission to take wool to Flanders was granted in 1297: Rymer, i. 852.

[4] *Patent Rolls*, 1307–1313, p. 557. Notification that the king has seen the letters patent dated 1296 of the duke of Brabant.

[5] (i.) In 1299 English merchants are requested by the king to go to Antwerp *as they used to do*, the duke of Brabant having promised to observe his agreements: *Patent Rolls*, 1292–1301, p. 423. (ii.) We find the merchants in Antwerp in 1301 and 1302: *Close Rolls*, 1296–1302, pp. 439, 551. (iii.) In 1306 merchants are allowed to go to Ardenbourg in Flanders, *as they used to go to Bruges*: *Patent Rolls*, 1301–1307, p. 435. (iv.) In 1310 the duke of Brabant informs the king that merchants have ceased to go to Antwerp; it is announced, therefore, that all merchants may hold the staple at Antwerp, as they have been wont to do: *Close Rolls*, 1307–1313, p. 293.

[6] *Close Rolls*, 1296–1302, p. 86; Madox, *Exchequer*, 536.

compelled traders to export their commodities from certain centres.

The Ordinance of the Staple (1313).

Edward II., however, rather than Edward I. ought perhaps to be regarded as the father of the English staple, for in his reign the system assumed its most characteristic features. In the earlier period the staple was apparently voluntary and not compulsory; it was the recognized centre of the oversea trade and the established resort of organized commercial bodies, but merchants still remained free to frequent any port they chose[1]. In 1313 an Ordinance was issued, which stated that the king had suffered loss of revenue from allowing native and foreign merchants to export wool wherever they pleased in Brabant, Flanders or Artois; and it ordered "the mayor and commonalty of the merchants" to set up a fixed staple, to which all wool and woolfells shipped abroad should be carried[2]. This Ordinance conflicted with the interests of the alien party in England, who sought freedom of traffic without any restrictions on their trade; it may very well, therefore, have been the work of the Ordainers[3] whose policy, as we have shown, was anti-alien. The purpose of the regulation was to confine to the staple town all who exported English produce; it set aside voluntary agencies in favour of a compulsory organization, which was binding on all engaged in foreign trade. The "mayor and council of the merchants" were granted jurisdiction to convict all merchants, denizens and aliens alike, who made default against the Ordinance of the Staple[4]; and their authority was confirmed on subsequent occasions[5].

[1] *Close Rolls*, 1318–1323, p. 234. In the thirteenth century, according to the merchants, no penalties were inflicted upon contraveners of the staple. Cf. also *Patent Rolls*, 1292–1301, p. 423 (merchants of England *requested* to go to Antwerp—showing that the obligation was not compulsory).

[2] *Patent Rolls*, 1307–1313, p. 591; *Letter Book E*, 18.

[3] This point is well brought out in T. F. Tout, *The Place of Edward II. in English History* (1914), 249. For their other measures against aliens, see *supra*, p. 452.

[4] *Patent Rolls*, 1313–1317, p. 15—a writ of aid (issued three months after the Ordinance of the Staple) empowering the mayor of the staple to convict offenders. For the imposition of penalties, see *Fine Rolls*, iii. 12, 14, 26.

[5] *Patent Rolls*, 1317–1321, p. 489 (1320); Hakluyt, *Voyages* (ed. 1903), i. 350—*De Stapula tenenda in certo loco ordinatio.*

Opposition of foreign traders.

The Ordinance of 1313 was regarded by the merchants in the light of a charter, which empowered them to fix the location of the staple at their own discretion and to enforce obedience to their decision. It suggests that in their origin the staple and the body of Merchant Staplers were not, as is generally supposed, a creation of the state, but a private—or more strictly, a semi-private[1]—commercial enterprise, afterwards transformed into an organ of government and adjusted to the fiscal and political needs of the state. This conjecture seems confirmed by the wording of a subsequent ordinance issued in 1325, when the king made a grant of the staple to Bruges: "The king wills that the aforesaid grant shall not prejudice . . . Merchants of the Staple, contrary to the tenor of the charter of that staple, and shall not be drawn into a precedent hereafter"[2]. The foreign traders, however, raised vigorous opposition to the establishment of a compulsory staple. In 1320 merchants of the Society of the Bardi of Florence and other alien merchants appeared before the king's council, and asserted that they ought not to be restricted to the staple. They urged that they had never consented that a charter should be obtained from the king, and that they ought not to be bound by it to carry their wool and wool-fells to the staple against their will, once they had paid their customs; the restriction being contrary to Magna Carta, which allowed merchants to pass freely from the realm. The native merchants rejoined that a wool-staple had existed in the time of Henry III. and Edward I., but that formerly no penalties were imposed upon those who contravened it; and accordingly the charter had been obtained at the suit of native and alien merchants in order to set up a compulsory staple. They added—and here came a first hint of the political importance of the staple system—that by means of this staple the king would be able to bring pressure to bear upon other countries and constrain them from lending assistance to his enemies[3].

For several months after the Ordinance of 1313 the staple

[1] See *infra*, p. 484.

[2] *I.e.* the grant was not to prejudice the merchants' right to fix the staple: *Close Rolls*, 1323–1327, p. 378.

[3] *Ibid.* 1318–1323, p. 234.

would seem to have remained at Antwerp[1]. Flanders enjoyed the prior claim as the chief market for English wool, and in July 1314 Count Robert tried to secure the "fixed staple" for Bruges[2], but Philip had already (May 1314) urged its transference to St. Omer[3], and his representations prevailed. Accordingly we find the staple at St. Omer early in 1315[4], but before the end of the year it was once more restored to Antwerp[5]. For a time, indeed, commercial relations between England and Flanders were altogether suspended at the instance of the French king, who was at enmity with Flanders and urged Edward II. to arrest all Flemings in England: "on the fealty which you bear us and the alliances which subsist between us"[6]. Edward II. complied with the request, and commanded the expulsion of Flemings from the country[7]. Shortly afterwards Louis, who had succeeded Philip on the French throne, prayed the king "with pressing importunity" to establish a staple between Calais and the Seine; and merchants were ordered to confer with the king at Lincoln[8]. However, in 1316, peace was concluded between Flanders and France[9], and the resumption of commercial relations with England was followed in 1318 by a renewal of the proposal to remove the staple to a Flemish town. Merchants again were summoned[10], but for the moment nothing was done. Instead a new project was set on foot, and attention was concentrated upon a design to establish home staples within the kingdom, at which native produce was to be bought and sold, and nowhere else. The question had been raised in earlier parliaments, and more particularly in the parliament which met at York in 1318[11]. The next year writs were issued for

The seat of the staple.

[1] *Close Rolls*, 1313–1318, p. 46. The staple was at Antwerp in March 1314.
[2] Rymer, ii. part i. 252.
[3] *Ibid.* ii. part i. 248. The request was granted: *ibid.* ii. part i. 251.
[4] *Close Rolls*, 1313–1318, p. 219. This was in February.
[5] *Ibid.* 1313–1318, p. 315. This was in November.
[6] Rymer, ii. part i. 270 (1315).
[7] *Ibid.* ii. part i. 280.
[8] *Ibid.* ii. part i. 281; *Close Rolls*, 1313–1318, p. 258. This was in December 1315.
[9] Rymer, ii. part i. 303.
[10] *Ibid.* ii. part i. 378. The mayor of the merchants, John de Cherleton, was present in the parliament at York "on business touching the state of the said merchants going to Flanders": *Patent Rolls*, 1317–1321, p. 239.
[11] See the document printed by A. E. Bland, "The Establishment of the Home Staples" (1319), in *English Hist. Review*, xxix. 95 *seq.*

the summons of an assembly "to consider the advisability of fixing the staple of wool at certain places within the realm"[1]. The sheriffs were enjoined to send bailiffs, merchants and representative burgesses from various towns to hold a conference before the treasurer and barons of the Exchequer. The document in which the opinions of the merchants are set forth has fortunately been preserved, and its recent publication throws a valuable light upon their attitude[2]. They advised that two staples should be set up in England, one on each side of the Trent, and that alien merchants should trade there and not elsewhere. No foreign money was to be imported, but only gold, plate and bullion; and aliens were to be encouraged to come to our shores by the promise of speedy justice according to law merchant. The proposal, it was claimed, would bring prosperity to English towns, and security to native merchants from both losses at sea and recalcitrant debtors. At the same time it would restrain the influx of base money, and enable the king to raise loans from his own subjects instead of borrowing from strangers. The conference does not appear to have produced any immediate result, for the staple remained at Antwerp until some time after 1318[3], when apparently it was held at Bruges until 1320[4], when it was put back at St. Omer[5] for a period of five years and then again removed to Bruges[6]. But in 1326 the policy of home staples, which a few years earlier had proved abortive, was adopted through the instrumentality of Hugh le Despenser[7], and for two years there were no foreign staples beyond the sea. The Ordinance of 1326, which anticipated the more famous Ordinance of 1353, fixed the staple for wool, wool-fells and hides at fourteen places—eight in England, three in Ireland, three in Wales—and at these places only were aliens to buy staple commodities (wool, hides, wool-fells and tin) for purposes of export, upon penalty of

The Ordinance of 1326.

[1] *Letter Book E*, 105. [2] See *supra*, p. 475 (*n.* 11).

[3] *Close Rolls*, 1313–1318, p. 552. Reference to the staple at Antwerp.

[4] *Ibid.* 1318–1323, p. 187. Certain English merchants at Bruges (1320) object to St. Omer, and "hinder merchants of the king's realm and power *transferring themselves from Bruges* to the aforesaid staple".

[5] *Ibid.* 1318–1323, p. 250. [6] *Ibid.* 1323–1327, p. 378.

[7] *Patent Rolls*, 1324–1327, p. 274.

forfeiting their purchases[1]. Hugh le Despenser was rewarded for his enterprise by the appointment of "his town of Cardiff" as one of the Welsh staples.

History of the staple under Edward III.

At his accession Edward III. confirmed the home staples, but financial exigencies compelled him almost immediately to postpone the operation of the Ordinance. Merchants were allowed from September to Christmas to export wool freely, notwithstanding the Ordinance of the Staple, provided they contributed a loan in aid of the king's expedition to Scotland[2]. The next year (1328) a parliament met at York, and considered the advisability of keeping the staple within the realm. The chief commercial towns, London, York, Winchester and others, were averse to its removal to the continent[3], and the king failing to overcome their opposition abolished the staple system completely in the same year at the parliament of Northampton: "It is enacted that the staples beyond the sea and on this side, ordained by kings in times past, and the pains thereupon provided, shall cease; and that all merchants, strangers and privy may go and come with their merchandises into England after the tenor of the Great Charter"[4]. For several years there was free trade, until in 1332 complaints were raised that certain merchants contrary to the Statute of Northampton had set up a staple at Bruges, where they compelled all who traded in parts beyond the seas to bring their wool and to pay heavy sums of money[5]. This was possibly an attempt on the part of the Merchant Staplers to restore their monopoly, and we may perhaps connect their action with the revival of Edward II.'s Ordinance a few months later, by which the home staples were again set up within the realm[6]. In 1334, however, they were once more abolished by a parliament held at York[7]. In 1337 Edward III. was preparing to

[1] *Patent Rolls*, 1324–1327, p. 269. Confirmed by Edward III. in 1327: *ibid.* 1327–1330, p. 98. The towns in England were London, Bristol, Norwich, York, Lincoln, Exeter, Winchester and Newcastle-on-Tyne. This Ordinance of 1326 is wrongly assigned to 19 Edw. I. (1291) in *Hist. MSS. Comm.* 14th Rep. App. viii. 6.

[2] *Patent Rolls*, 1327–1330, p. 169 (1327); *Letter Book E*, 212.

[3] R. R. Sharpe, *London and the Kingdom* (1894), i. 177.

[4] *Statutes*, i. 259.

[5] *Patent Rolls*, 1330–1334, p. 283.

[6] *Ibid.* 362.

[7] *Rot. Parl.* ii. 377 *b*; Rymer, ii. part ii. 879.

embark upon the great struggle in which the coveted prize was the crown of France, and he sought in every direction to win allies to his cause. Commercial considerations were sacrificed to political exigencies, and the staple was used as a bait to draw the great manufacturing towns of Flanders from their allegiance to the French king. A commission was appointed to open negotiations with the king's confederates, for fixing the staple of English wool without the realm[1]. As a result apparently of its deliberations, the bribe of a Flemish staple was held out to the count of Flanders and the cities of Bruges, Ghent and Ypres[2]. For the moment the negotiations were unsuccessful; the count of Flanders remained loyal to France, and the staple was established at Antwerp[3]. But the scruples of the Flemish were overcome when Edward assumed the French title, and still more, perhaps, by his promise to set up the staple in their dominions. "Flanders joined to England by its trade in wool, to France by its feudal relation, became anew", says the historian of the Netherlands[4], "a shuttlecock between these two countries". Accordingly, in return for their aid the king fixed the staple at Bruges in 1340[5]. Edward's commercial policy had been dictated by his political ambitions, and it was unpopular with the native merchants who recommended (1343) the removal of the staple to England[6]. They contended that this would benefit prices, transfer the burden of losses at sea to alien shippers and prevent the influx of counterfeit money. As a more solid inducement, the king was tempted with the prospect of raising a subsidy of forty shillings on every sack of wool as export duty at the expense of the foreigner. These arguments appeared to overlook the consideration that, if foreign buyers were burdened with export duties and confronted with the risks of carriage, they would not be willing to pay their former prices. The real drawback to the staple at Bruges was that it was not free; the Flemings

[1] *Patent Rolls*, 1334–1338, p. 428 (1337).
[2] Rymer, ii. part ii. 966 (1337), 1063 (1338); *Patent Rolls*, 1338–1340, p. 193.
[3] *Ibid.* 1338–1340, p. 189 (1338).
[4] P. J. Blok, *History of the Netherlands* (trans. 1898), i. 137.
[5] *Patent Rolls*, 1338–1340, pp. 511-512.
[6] *Rot. Parl.* ii. 143 *a*.

would not allow buyers from other countries to export wool from Flanders, in order to retain the whole supply for the home industry, and their exclusion from the market caused a fall in prices. The market was still more restricted when the larger towns, Ghent, Bruges and Ypres, excluded the smaller industrial centres. These complaints against Bruges were repeated in different years[1], and serve to illustrate the difficulties which attended the establishment of foreign staples.

The Ordinance of 1353.

The representations of the merchants were not without weight in the councils of the English king, who in 1348 made a formal complaint to Bruges[2], and eventually they carried the day. The famous Ordinance of 1353 ordered the staple of wool, leather, wool-fells and lead, to be "perpetually holden" at Newcastle, York, Lincoln, Norwich, Westminster, Canterbury, Chichester, Winchester, Exeter and Bristol in England, and a fixed number of places in Ireland and Wales[3]. According to John of Reading, the king, his eldest son and others swore to make the home staples perpetual. He attributes the removal of the staple to the breach with France and the consequent danger of the seas, but the failure of peace negotiations came the following year[4]. The Ordinance contained elaborate regulations for the organization of the home staples. Wool and other native produce intended for export were ordered to be brought to one of the appointed centres, and there weighed and sealed. When the staple town was inland, the wool was then conveyed to the port attached to it, for example, from York to Hull, and from Winchester to Southampton; and here the exports were weighed a second time by the revenue officers. In order to encourage foreign merchants to frequent the English marts, they were promised safe-conduct, and for the same reason denizens were prohibited to ship wool abroad; they were to carry it to the staple and so force

[1] *Rot. Parl.* ii. 143 *a* (1343); ii. 149 *a* (1344); ii. 165 *b* (1347); ii. 202 *a* (1348).

[2] Rymer, iii. part i. 153.

[3] *Statutes*, i. 332. Amended and confirmed: *ibid.* i. 348. The importance of the staples is shown by the fact that one of the main reasons for the summons of parliament in 1354 was to amend the Ordinance: *Rot. Parl.* ii. 254 *a*.

[4] *Chronica Johannis de Reading*, 119, 257.

aliens to buy their commodities in England. All commercial transactions were excluded from the jurisdiction of the king's justices and entrusted to the rulers of the staple, for every staple town was governed by a mayor and two constables, who sat with two alien assessors "to see that plain right be done to the merchant aliens". Suits were determined according to law merchant, and not common law or borough custom; also "because that merchants may not often long tarry in one place . . . we will and grant that speedy right be to them done from day to day and from hour to hour" [1]. This novel legislation does not appear to have realized all that was expected from it; and in 1361 representatives of Calais were enjoined to meet English merchants [2]. It was proposed to transfer the staple to Calais, and parliament was summoned to give its advice [3]. The Lords approved; but the Commons delayed their answer until they had conferred with the merchants, of whom some favoured the proposal in the belief that it would be a good thing for Calais, while others held a contrary opinion [4]. Calais had been made the staple for tin, lead and woollen cloth in 1348 [5], and now in 1363 it was also made the staple for wool [6]. In 1369 the staple was ordered to be brought back to England; this, however, was not done immediately [7], and in any case was not intended as another experiment, but was a temporary expedient devised on account of the outbreak of war [8]. It was again put back at Calais, for in 1375 the Commons complained against licences allowing wool to be exported elsewhere than to Calais [9]. These complaints were repeated with extreme indignation in 1376, when the Good Parliament declared that staple commodities had been shipped to other

Removal of the staple to Calais.

[1] For law merchant, see *supra*, p. 230; this had been promised to alien traders in the Ordinance of 1326 (*supra*, p. 476). As early as 1320 alien merchants had sought that half the jury should consist of foreigners (*Rot. Parl.* i. 382 *a*). At Bristol the mayor of the staple was also mayor of the town (*Little Red Book*, i. 178); but at Exeter the two offices were kept distinct (*Select Cases in the Court of Requests*, p. lxxv). When the staple was removed to Calais, the local staples in England continued to serve mercantile functions relating to debt, contracts, etc.

[2] *Close Rolls*, 1360–1364, p. 267. [3] *Rot. Parl.* ii. 268 *a* (1362).

[4] *Ibid.* ii. 269 *a*. [5] Rymer, iii. part i. 158. [6] *Statutes*, i. 390.

[7] Staple officers at Calais are mentioned in 1370: G. A. C. Sandeman, *Calais under English Rule* (1908), 67.

[8] *Statutes*, i. 390; *Rot. Parl.* ii. 301 *b*. [9] *Rot. Parl.* ii. 318 *a*.

ports by the instrumentality of the king's secret advisers "for their singular profit, to the great prejudice and damage of the king and realm, and the destruction of the town of Calais"[1]. Richard Lyons and Lord Latimer were impeached for their conduct, and a loan was only granted on the condition that no licences should be issued in the future[2]. This practice of granting licences to merchants to take staple commodities "whithersoever they will," while the export trade was nominally diverted into fixed channels, was an old one[3].

Location of the staple under Richard II.

At Richard II.'s accession Calais was still the staple town, although arrangements were made to remove the staple to England in case Calais were attacked[4]. A concession was made to the merchants of the West—Genoa, Venice and Spain—who were allowed to buy staple merchandise in England after they had sold their merchandise here[5]. They were not the only merchants, however, to exercise this privilege, and the burgesses of Calais complained that merchandise was taken from England to Flanders contrary to their charter[6]. But Calais had not yet become the permanent home of the English staple. In 1384 the staple was at Middleburgh in Zeeland on account of the menace from France[7], and in 1385 the Chancellor, Michael de la Pole, Earl of Suffolk, advised parliament to re-establish the home staples in England. The burgesses of Calais and other towns beyond the sea, he contended, were being enriched while good towns at home decayed—so much for

[1] *Rot. Parl.* ii. 323 *a*. Compare also the petition of Calais: *ibid.* ii. 358 *b*.

[2] *Ibid.* ii. 325 *a*, 326 *a*.

[3] (i.) Merchants of the Society of Bardi licensed in 1324 to export wool "whithersoever they will" notwithstanding the charter of the staple (*Patent Rolls*, 1324–1327, p. 6). (ii.) Similar licence granted to the Bardi on May 2—the very day after Edward III.'s publication of the Ordinance of the Staple in 1327 (*ibid.* 1327–1330, p. 102). (iii.) Licence to the bishop of Ely in 1334 (*ibid.* 1330–1334, p. 538). (iv.) Numerous licences in 1348 to export cloth abroad, notwithstanding the staple of cloth at Calais (*ibid.* 1348–1350, pp. 136, 137, 151, 193, 222, etc.). (v.) Licence granted by Richard II. in 1377 (*ibid.* 1377–1381, p. 75). The number of these licences raises the whole question how far the staple system was really effective in practice; they are a warning at any rate not to exaggerate the extent to which the system acted in restraint of mediaeval trade. See also *infra*, p. 487 (*n.* 7).

[4] *Rot. Parl.* iii. 23 *b*.

[5] *Statutes*, ii. 8.

[6] *Rot. Parl.* iii. 67 *a* (1379).

[7] *Patent Rolls*, 1381–1385, p. 397; *Rot. Parl.* iii. 159.

the commons' profit; touching that of the king, he declared that the staple beyond the sea was prejudicial to the king's customs[1]. The Merciless Parliament (1388), which condemned Suffolk, did not favour his policy and removed the staple from Middleburgh to Calais[2]. The change was not popular, and the Commons (1389) petitioned in vain for the return of the staple to England[3]. But in 1390 they succeeded in making it the condition of their grant[4], and the Ordinance of 1353 was revived[5]. Within a year the staple was restored to Calais[6], and here it would seem to have remained until Calais ceased to be an English possession. A large number of statutes[7] confirmed the monopoly of Calais, but their very frequency suggests that they were not easily enforced. The act of 1449 recited: "Forasmuch as Edward III. by great deliberation ordained his whole staple of wools, woolfells and other merchandises to be at Calais, for the weal and profit of his realm and safeguard of the said town; and by the great liberties and franchises given to merchants thither repairing, after that many years came great revenues to him and to his successors, as it appeareth of record in the king's exchequer, that is to say, in every year of his reign sixty-eight thousand pounds and more, and so continued many years at which time great riches came into this realm by means of merchants of the staple . . . the said town of Calais and the Marches were well repaired, and soldiers paid of their wages"; whereas now, owing to the export of merchandise to other ports, "the customs and subsidies of the merchandises repairing to the said staple of Calais pass not yearly twelve thousand pounds . . . the commons of this land not enriched by their wool and wool-fells and other merchandises as they were wont to be . . . the soldiers of Calais and the Marches there not paid of their wages, the town of Calais by default of reparation . . . likely to be destroyed"[8]. This complaint was renewed under Edward

[1] *Rot. Parl.* iii. 203 *a*. It was ordered accordingly that the staple should be set up in England (*ibid.* iii. 204 *b*), but apparently no steps were taken.
[2] *Ibid.* iii. 250 *b*; *Statutes*, ii. 60.
[3] *Rot. Parl.* iii. 268 *b*.
[4] *Ibid.* iii. 279 *b*.
[5] *Ibid.* iii. 278 *a*; *Statutes*, ii. 76.
[6] *Rot. Parl.* iii. 285 *a*.
[7] *Statutes*, ii. 217, 253, 276, 287, 289, 311 (1423, 1429, 1432, 1433, 1435, 1439).
[8] *Ibid.* ii. 346.

IV.[1], and serves to show both the importance attached to the staple system and the difficulty of carrying it into operation.

Commercial importance of Calais.

The fixing of the staple at Calais was a landmark in English economic history; for two centuries it remained the chief centre of our oversea trade. The experiment of home staples had proved a failure; and the claims of Calais as a continental town under English rule and garrisoned by English troops were incontestable. Its strategic importance made its prosperity a matter of deep concern to England, and in fact its garrison was paid out of the custom-revenues. This arrangement was devised during the Wars of the Roses, after the soldiers had been unpaid for three years[2]. The establishment of a mint[3] where bullion was changed into coins of the realm served still further to increase the commercial significance of Calais, for it was a rooted principle of English policy to prevent the circulation of foreign money; and the staple system was always intended among its other functions to regulate the currency. It is also not unlikely that the presence of a staple at Calais restricted smuggling, for the Masters of the Calais Staple were expected to maintain a sharp watch upon the trade routes[4]. The working of the staple system may be illustrated from the negotiations, which were carried on at Lille in 1478 between English envoys on one side and Flemish envoys on the other. The latter had serious ground for complaint in the conduct of trade by the wool-staplers, and the conditions of the agreement then drawn up afford an insight into the regulations by which the staple was governed in the fifteenth century. In the first place, provisions were made for the better recovery of debts, and English merchants were allowed to export bullion from Flanders. Secondly, the practice by which the English ordered their merchants to buy at Flemish fairs on the last day only, to compel the Flemings to sell their commodities at inferior prices, was now forbidden. On their part English traders objected that the Flemings carried appeals from their own courts to those of the French king,

The working of the staple system.

[1] *Statutes*, ii. 407 (1465); 437 (1472); 449 (1474).
[2] Schanz, *Englische Handelspolitik*, ii. 566, No. 129.
[3] A. L. Jenckes, *The Staple of England* (1908), 24.
[4] Atton and Holland, *The King's Customs*, i. 39.

a system greatly to their disadvantage. The staplers also complained that wool was exported to Flanders without going through their hands or paying subsidy. The Flemings in their turn attacked the deceits in the packing of wool, and the false descriptions which were attached to it. A further grievance was raised that the English king sent fine wool to France, which did not pay subsidy or pass through the staple, and so the Flemish traders were not able to obtain good wool at cheap prices. Lastly, regulations were laid down as to the rates of exchange, a matter of vital consequence to both countries[1].

The Merchant Staplers.

The merchants in whose hands the control of the staple was placed were known as the Merchant Staplers. From the outset they appear as an organized and privileged society of merchants under the rule of their own mayor and council. Originally they comprised the whole body of merchants engaged in foreign trade; and the terms "merchants of the staple" and "commonalty of the merchants" were interchangeable. In the Ordinance of 1313 the choice of the staple was left to the decision of "the mayor and commonalty of the merchants". Now in 1313 the "mayor of the merchants of the realm" was Richard Stury, and he is also spoken of as the "mayor of the wool-staple"[2]. His successor, John de Cherleton, is similarly styled alternately as "mayor of the merchants of the realm" and "mayor of the merchants of the staple"[3]. This proves that the organization of the Merchant Staplers with a mayor at their head was as old as the institution of the staple itself, and was already in Edward II.'s reign a public corporation[4] armed with official sanction and powers of coercion. We can therefore scarcely identify the Company of Staplers with the officials

[1] *The Cely Papers*, ed. H. E. Malden (1900), pp. xxii-xxv.

[2] *Patent Rolls*, 1313–1317, p. 15.

[3] *Ibid.* 1317–1321, pp. 239, 477, 489, 500.

[4] The history of an organized body of merchants under the rule of a mayor can be carried back indeed to the reign of Edward I.: *infra*, p. 488. On the other hand, we can hardly speak of the Staplers as a corporation in the strict sense of the term, as they were, for example, in 1422, when they petitioned for their privileges to be confirmed: *Rot. Parl.* iv. 191 *b*. Thus in 1326 the election of the mayor of the staple was made by two of the richest burgesses from each town trading in wool, hides and wool-fells: *Close Rolls*, 1323–1327, p. 564.

of the customs. In later times merchants were often farmers of the customs: for example, in 1347, certain merchants "who have of the king the custom and subsidy for a certain annual sum" were charged with extorting two marks above the custom and subsidy for each sack of wool[1]. But in their origin the Merchant Staplers and the collectors of the custom-revenues were distinct. In 1313 Richard Stury, "mayor of the wool-staple" and "mayor of the merchants, native and foreign, buyers of wool for export", obtained "writs of aid" from the king, addressed to the collectors of the custom on wool and wool-fells in different ports, that they should co-operate with him, whenever requisitioned to do so, in enforcing the Ordinance[2]. At this period the collectors were not under the control of the mayor of the staple, and it was necessary to seek their aid through the king's writ. On several occasions the Merchant Staplers were appointed to inquire into alleged malpractices on the part of those connected with the custom-revenues. In 1321 the "mayor of the staple" and others received a commission "touching alleged embezzlements and fraudulent offences committed by the collectors of the custom on wool and wool-fells" in numerous specified places. It was said that the collectors of customs, "as well the present collectors as those who have been collectors from the date of the Statute of the Staple", that is, the year 1313, "and their controllers, have permitted divers merchants fraudulently to export wools and fells contrary to the king's prohibition, and have appropriated a great part of the money accruing from the half-mark on every sack of wool" and other dues; "that those who have held the office of the tronage in the same parts had taken money from divers merchants, natives and foreigners, to permit the passage out of the realm of their wool, some unweighed and some insufficiently weighed to the loss of the custom; that divers merchants . . . in other places in the said counties than those in which there is a cocket, have exported unweighed wools the custom being unpaid"[3]. The fact that "merchants of the staple" were

Distinct from the collectors of the customs.

[1] *Rot. Parl.* ii. 169 *a*.

[2] *Patent Rolls*, 1313–1317, pp. 15, 56.

[3] *Ibid.* 1317–1321, pp. 539 (1320), 603 (1321); *ibid.* 1321–1324, p. 164 (1322).

at first none other than the general body of "merchants of the realm", together with the appointment of Merchant Staplers to examine into the financial shortcomings of the royal officials, seems to show conclusively that the two bodies were originally distinct.

Early English merchants and foreign trade.

It is often assumed that English foreign commerce was almost completely, if not altogether, in the hands of aliens, at any rate until the fourteenth century was far advanced. But there are grounds for believing that the extent to which English merchants carried on foreign trade, and competed with aliens in earlier times, has been greatly under-estimated. They were by no means excluded from the export trade, and they had a greater share in the beginnings of English commerce than is usually recognized. As early as Stephen's reign the men of Newcastle had their own ships, and one rich burgess engaged in trading ventures with his own merchant vessels[1]. In the thirteenth century English shippers traded to Norway, and a treaty of commercial intercourse was made (1216) between the two countries. "We, for our part", promised Henry III., "both now and hereafter shall be well contented that . . . the merchants and people of your dominions may freely and without hindrance resort unto our land, and our people and merchants may likewise have recourse unto your territories"[2]. In the last year of his reign Henry granted licences to merchants for the export of wool to all foreign parts except Flanders; and it is significant that while some were French, Italian and German, others were merchants of London, Shrewsbury, Lynn, Winchester, Bristol, Beverley and York[3]. In 1273 Edward I. renewed these licences, and a large number of the recipients appear to be natives[4]. This bears out the statement made in the Hundred Rolls that wool was exported by many merchants, *tam de regno Angliae quam de aliis regnis*[5]. A few years later disputes arose between the traders of England and Flanders. The count of Flanders agreed to pay com-

[1] *Proceedings of the Archæol. Institute, Newcastle* (1852), i. 29-30.
[2] Hakluyt (ed. 1903), i. 320. [3] *Patent Rolls*, 1266–1272, p. 685.
[4] *Ibid.* 1272–1281, pp. 13-27, 33-39, 64-65, 67-68.
[5] *Rot. Hund.* i. 405. *Patent Rolls*, 1272–1281, p. 68—Commission to inquire into the export of wool by certain *native* and foreign merchants.

pensation to the merchants of England, Ireland and the Marches of Wales for the arrest of their goods in his territory, worth over ten thousand pounds, a very considerable sum for those days[1]. In the next reign sixteen "merchants of the realm" loaded a ship with wool and other merchandise to the amount of twelve hundred pounds[2]. Edward's Ordinance of the Staple (1313) speaks of "as well natives as foreigners" engaged in foreign trade[3]; and there are traces of their activities not only in Flanders, but also in France[4], Norway[5] and Brabant[6]. Indeed, the occasional efforts of the government to restrict the enterprise of native shippers, in order to encourage alien merchants to repair to this country[7], indicates that their competition was not regarded as insignificant. In 1364 native merchants were allowed to import wine from Gascony; the following year they were forbidden to do so. In 1369 the privilege was restored to them, and the reason advanced serves to show how important they had already become in this branch of the import trade. Complaints were made by the Black Prince that the customs levied on wine in Aquitaine had fallen off, "because that Englishmen do not come there to buy wines *as they were wont*", and therefore a great part of the wines remained unsold[8]. The navigation policy of Richard II. afforded English merchants an opportunity of competing more successfully with their rivals in foreign trade, and in the next reign they were even entrusted for a period with the safeguard of the seas. Their history and progress can best be traced in the various steps which were taken to increase their importance and perfect their organization.

Among the different groups of English merchants who carried native wares to foreign countries the most prominent

[1] *Patent Rolls*, 1281–1292, pp. 36, 223, 276.
[2] *Ibid.* 1313–1317, p. 545.
[3] *Supra*, p. 473.
[4] *Patent Rolls*, 1317–1321, p. 390.
[5] Rymer, ii. part i. 207; Hakluyt, i. 339, 344 (1313).
[6] For English merchants at Antwerp, see *supra*, p. 472, and *infra*, p. 488.
[7] The Ordinance of the Staple in 1353 forbade natives to export wool, yet English merchants were exporting wool to Bruges in 1360 (*infra*, p. 488). In 1390 the prohibition was repeated: *Statutes*, ii. 77.
[8] *Ibid.* i. 384 (1364), 389 (1365), 391 (1369). In 1343 English merchants complained that Florentine merchants engrossed the export trade in their own hands: *Rot. Parl.* ii. 143 *a*.

The Merchant Adventurers.

were the Merchant Adventurers, who rose to great commercial importance. Originally they were known as the fraternity of St. Thomas of Canterbury [1]; and at an early period they acquired a privileged position. They claimed that, as early as 1216, liberties were conferred on English traders freely "to come and return to and from those parts" and to choose a governor, "with many other beneficial articles necessary for merchants to enjoy" [2]. In 1296 a charter was granted to the English merchants of Antwerp by the duke of Brabant, and was supplemented by another charter in 1305. Together they show that "merchants of the realm of England" were organized under their own "mayor, captain or consul", and held an assembly and court [3]. The wording of the charters would seem to indicate that in their origin the Merchant Staplers and the Merchant Adventurers were one and the same body, comprising all "the merchants of the realm" engaged in oversea traffic. According to Wheeler, the secretary and historian of the Merchant Adventurers, Edward III. confirmed the liberties granted by foreign rulers [4]; and in 1360, at any rate, they were an organized company under the rule of John Walewayn, who is described as "governor of our merchants in Flanders" [5]. We meet with them again in 1407, when Henry IV. granted a charter to English merchants dwelling in Holland, Zeeland, Brabant and Flanders [6]. But at first there were two other groups of Merchant Adventurers, each with its own sphere of influence, namely, Germany and Scandinavia. At the end of the

[1] Wheeler, *Treatise of Commerce*, 10.

[2] Schanz, *Englische Handelspolitik*, ii. 583, No. 134. Wheeler (*op. cit.* 10) gives the year 1248 as the date when they obtained privileges from the duke of Brabant.

[3] The charters are printed in H. Obreen, "Une charte brabançonne inédite de 1296," in *Bulletin de la commission royale d'histoire de Belgique*, t. lxxx. pp. 548-549. In 1547 the Merchant Adventurers claimed to have in their possession an authentic copy of privileges granted unto the merchants of England by the duke of Brabant dated 1286 and 1315 (Schanz, ii. 577, No. 133). These may be the charters of 1296 and 1305, and the difference in the dates may be due to a *lapsus calami*. Gresham refers to the charter of 1296 in his letter of 1553: "Sends copy of their privileges granted in 1296, whereby the falsity of the new Hanse company will appear": *Cal. of State Papers Domestic*, 1547–1580, p. 51.

[4] Wheeler, *op. cit.* 10.

[5] Rymer, iii. part i. 478, 555. At this date the staple was in England.

[6] Rymer (O. ed.), viii. 464.

fourteenth century strife and dissensions were said to have arisen among English merchants dwelling in "Prussia, Scone, Sound and the Hanse", owing to lack of governance and sound rule. Accordingly in 1391 Richard II. ratified the election of John Bebys, a citizen of London, as their governor; and gave them licence to choose an annual governor to settle disputes and deal justice among all who frequented those parts[1]. Henry IV. confirmed this charter in 1404[2], and in 1408 granted a similar charter to English merchants in Norway, Sweden and Denmark[3]. In one sense the charters granted by Richard II. and his successors to these various bodies of Adventurers marked no new departure, for it has been shown that an organization was already in existence among English traders in foreign lands. But they set the seal of public authority upon private associations, and strengthened their hands in coping with the interlopers who sought to infringe their monopoly.

Their organization.

Henry VII., whom Wheeler eulogizes as "the peaceful, politic and rich prince", showed the Merchant Adventurers marked favour and extended their privileges. They had supported him in the struggle with Burgundy[4], and he rewarded them in 1505[5] with a charter by which they were to appoint a governor and twenty-four "of the most sad, discreet and honest persons" as assessors or "assistants"; they were empowered to determine all civil suits and controversies, and "look to the good ordering of the brethren of the company everywhere". This constitution established them as an organized corporation, and "so strengthened and enlarged the authority and privileges of the Fellowship that ever since the same hath flourished in great prosperity and wealth, and out of it . . . have sprung . . . almost all the principal merchants of this realm—at the least such companies, as have arisen since, have for the most part fetched their light, pattern, and form of policy and trade from the said society"[6]. The Merchant Adventurers were trading

[1] Rymer, vii. 693.
[2] *Ibid.* viii. 360. This is mainly a repetition of Richard's charter.
[3] *Ibid.* viii. 511.
[4] *Infra*, p. 502.
[5] Schanz, *Englische Handelspolitik*, ii. 549, No. 121; Wheeler, *op. cit.* 24, 25.
[6] Wheeler, *op. cit.* 9.

capitalists; they were engaged in foreign trade and left the internal trade of the country in the hands of the livery companies. "No person of this fellowship", ran an ordinance, shall "sell . . . by retail . . . nor shall keep open shop"[1]. The government of the society appears to have been located not in London, but on the continent[2]. It has been stated that the Mercers of London formed the nucleus of the company[3], but in any case the members were drawn from many towns: "The Company of the Merchant Adventurers consisteth of a great number of wealthy and well-experimented merchants dwelling in divers great cities, maritime towns and other parts of the realm, to wit, London, York, Norwich, Exeter, Ipswich, Newcastle, Hull, etc. These men of old time linked and bound themselves together in company for the exercise of merchandise and sea-fare, trading in cloth, kersey, and all other . . . commodities vendible abroad"[4]. At the end of the sixteenth century the Merchant Adventurers were said to number three thousand five hundred persons, "inhabiting London and sundry cities and parts of the realm"[5]. The Merchant Adventurers of other towns were to all appearance distinct but affiliated bodies. The Merchants of Newcastle (1519) compounded with the London company for an annual sum of eight pounds in quittance of all charges from individual members[6]. The Merchant Venturers of Bristol were also organized in the fifteenth century (1467) as a separate company with their master and wardens. They obtained a charter from Edward VI. (1552), which forbade "artificers and men of manual art" to engage in foreign trade "to the great scandal of the merchants"[7].

The Merchant Adventurers constituted a regulated company, that is, membership was open to all who were

[1] W. E. Lingelbach, "Merchant Adventurers of England", in *Trans. Royal Hist. Soc.* N.S. xvi. 35. In 1553 Gresham complained of the injury done to the Merchant Adventurers by the retailer who ought to occupy his retail only: *Cal. of State Papers Foreign*, 1547–1553, p. 264.

[2] Lingelbach, *op. cit.* 51-61.

[3] Gross, *Gild Merchant*, i. 149; J. G. Nichols, "Records of the Mercers' Company", in *Lond. and Midd. Archæol. Soc.* iv. 134.

[4] Wheeler, 19.

[5] *Ibid.* 57.

[6] *Newcastle Merchant Adventurers*, ii. 3.

[7] Latimer, *Merchant Venturers of Bristol*, 16, 42, 46.

willing to pay its admission fees and acquiesce in its authority. Within its sphere of influence the company had a complete monopoly of trade, and no outsider or "interloper" was tolerated. This monopoly was backed by the authority of the English state. It was intended to develop "a well-ordered and ruled trade" [1] in which production was limited, prices were high and stable, and commodities were well-wrought. This was the ideal of mediaeval commerce. The Merchant Staplers, for example, prided themselves on the fact that they had "kept and maintained the prices of the said commodity [wool] in utterance thereof to the strangers as much as in them hath lain" [2]. Again, the Merchant Adventurers claimed credit on the ground that they did "keep up the price of our commodities abroad by avoiding an over glut of our commodities whereto they trade . . . whereas contrariwise when trade is free, many sellers will make ware cheap and of less estimation" [3]. The system of chartered companies had certain definite advantages. It gave to merchants in the pursuit of their trade a recognized status as the members of a wealthy and powerful company, able to maintain its privileges and to resist oppression. It prevented excessive competition among traders, which flooded the market with commodities and lowered prices to the benefit of foreign buyers. Merchants abroad were forbidden to sell or buy secretly; and their transactions were conducted in the presence of brokers, who were to make a report to the governor and so prevent strife or disputes arising among them. It was also the duty of the governor to demand evidence from traders that they had paid custom duty on English exports [4]. At the same time the regulated company afforded the government an instrument by which it could direct trade into the proper channels, and advance the interests of the state as they were then understood. Its great drawback was that it retarded the

Advantages and drawbacks of the regulated company.

[1] Wheeler wrote his *Treatise* to exhibit "the commodities arising by a well-ordered and ruled trade".

[2] Schanz, *Englische Handelspolitik*, ii. 566, No. 129.

[3] *The Journals of the House of Commons*, i. 219.

[4] Hakluyt (ed. 1903), ii. 153; Edward IV.'s charter to English merchants in the Netherlands (1462).

expansion of trade, it curtailed competition and checked enterprise. It is commonly said in its defence that the market was limited, and the demand for commodities fairly stable. In so far as this was the case, the evil was not perhaps unduly great, but it is difficult to determine how far opportunities for individual enterprise and initiative were restricted to the real detriment of the oversea trade. The enemies of the chartered company were the interlopers who were outside their fellowship, but "intermeddled" with their trade. They appealed to the traditional "Englishman's liberty"[1] and defied the Adventurers' monopoly. Their activities were most marked in the seventeenth century, but they were already in existence in the sixteenth. The Merchant Adventurers were able to rely upon the support of the government, and we obtain interesting glimpses of the interloper in an Order in Council in 1570. It recited: "Trusty and well-beloved, we greet you well; and being informed that divers persons, not free of that your Company nor brought up in trade of merchandise, do not only impeach your trade as well by unskilful and disorderly occupying, as also by violating such your privileges by great travail and charge of our progenitors' grant obtained and granted: And amongst other, that one, Thomas Clecher, doth without order or authority intermeddle with trade of merchandise in the Low Countries of Holland, Zeeland, Brabant and Flanders, and none the less doth stubbornly and obstinately refuse to abide such orders as others of your Company do, and also doth attempt to call said privileges in question by the law there: We, minding the preservation of good orders and the maintenance of that your Company, do will and command ye that by virtue of these said Letters ye do in our name command the said Thomas to surcease his suit there, and stand to abide and obey such your orders as is amongst ye provided for such offenders: And our further will and pleasure is that, if at any time hereafter any person not free of that company do attempt to traffic into the said

The interlopers.

[1] The phrase occurs in the statute of 1497: *Statutes*, ii. 638. But in the economic sphere the traditional liberty of Englishmen was largely a traditional myth.

Low Countries or to break or violate your privileges and good orders, that ye do likewise by virtue of these our Letters command in our name all and any such person and persons to appear before ye, and to stand to abide and obey all such good orders and ordinances as by ye have been made and ordained. And if either the said Clecher or any other disordered person do refuse to accomplish the content of these our Letters, that then ye do command him or them in our name to appear before our Privy Council, and that ye do advertise our said Council thereof with particulars of his or their offence or misdemeanour, to the intent we may take such order with him as may be to the example of any attempting the like, and the preservation of your privileges and good orders which we mind by all means to maintain" [1].

Rivalry of London and provincial traders.

There was theoretically a well-defined distinction between the regulated and the joint-stock company; the former was open to all, and each individual traded on his own; the latter was confined to a few who traded as a corporate body. But in practice the distinction tended to disappear, for the regulated company was always liable to become a monopoly in the real and exclusive sense of the term. The Merchant Adventurers outside London complained that at one time they had traded freely with foreign countries, Spain, Portugal, France, Italy and the Netherlands; but now the London company imposed a fine of twenty pounds, and so drove provincial merchants from foreign markets. Henry VII., despite the favour which he showed to the Merchant Adventurers, was not prepared to tolerate an unfair discrimination against his own subjects, and the admission fees were lowered to ten marks, one-third of the amount [2].

The competitors of the Merchant Adventurers:

In order to establish their supremacy in English foreign trade, the Merchant Adventurers had first to overcome the competition of those who were already in the field. The two great commercial rivals with whom they were drawn into conflict were the Merchant Staplers and the Hanseatic League. This struggle among the trading capitalists must

[1] Printed in the Appendix to Atton and Holland, *King's Customs*, i. 458.

[2] *Statutes*, ii. 638 (1497). Compare the charter of 1505: Schanz, *Englische Handelspolitik*, ii. 552, No. 121.

be carefully distinguished from the struggle of which we have already spoken: between the trading capitalists on the one hand and the industrial capitalists on the other. (1) The Merchant Adventurers were exporters of cloth just as the Merchant Staplers were the chief exporters of wool; and they tried to force Staplers, who shipped abroad woollen cloth, to join their company and pay the admission fine of ten marks. The Staplers, however, claimed that they ought not to pay admission fines for the right to trade in cloth, on the ground that cloth was staple merchandise and had been exported by them as far back as the reign of Richard II.[1]. The Merchant Adventurers replied that the privilege of the Staplers was confined to Calais, and that they had no privilege in the Low Countries[2]. They also denied that cloth was staple merchandise: "cloths at any time", they contended, "were not privileged to the Staplers"—only wool and woolfells; and the Staplers had failed to show that they had ever exported cloth to Flanders itself[3]. They added that on their part they were willing ungrudgingly to pay the admission fees of a hundred marks each to the Staplers, if they "occupied the feat" of a Merchant of the Staple, and they expected similar conduct on the part of their rivals[4]. Henry VI. supported the Staplers[5], but under the Tudors the Merchant Adventurers pressed their claims with implacable obstinacy. They were resolved to keep the cloth trade in their own hands, and eventually (1504) a Star Chamber decree ordered Staplers, who exercised the occupation of the Merchant Adventurers, to submit to their authority; and similarly in the reverse case[6]. This was intended to mean that the Staplers should pay to the Merchant Adventurers the ordinary duties levied on cloth, but under colour of this decision the latter insisted that their rivals must enter their company[7]. The king intervened, but they continued to enforce their demands and imprisoned those who resisted their authority, and attached their goods[8].

(i.) *The Merchant Staplers.*

[1] Schanz, *Englische Handelspolitik*, ii. 588, No. 135 (1583).
[2] *Ibid.* ii. 558, No. 125 (*temp.* Hen. VIII.).
[3] *Ibid.* ii. 588-589, No. 135.
[4] *Ibid.* ii. 558, No. 125.
[5] *Ibid.* ii. 539-543, No. 116 (1458).
[6] *Ibid.* ii. 547, No. 119.
[7] *Ibid.* ii. 548, No. 120 (1505).
[8] *Ibid.* ii. 555, No. 123 (1510); 556, No. 124; 563, No. 127.

The prosperity of the Staplers had greatly declined, and they were no longer in a position to offer adequate resistance to their younger and more vigorous rivals. Time had been when they had advanced large sums of money to the king[1], but in a petition to Wolsey (*c.* 1527) they said that their numbers were fallen from four hundred shippers to one hundred and forty. They were affected by Henry's wars, for where the French were wont to purchase two thousand sacks of wool, now they did not buy one-fifth; and Flanders was using larger quantities of Spanish wool[2]. A contemporary writer also voiced the belief that Edward III.'s gift of native sheep to Spain had been detrimental to the realm[3]. In any case English wool was largely taken up by native clothiers, and the Staplers recognized that the home industry had the prior claim.

(ii.) *The Hanseatic League.*

(2) The Hanseatic League was a more formidable rival than the Merchant Staplers, whose power had already passed its meridian, and here the struggle to wrest English trade out of their hands was fiercer and more prolonged. In 1371 the Commons complained that the Easterlings ill-treated native merchants who travelled from year to year to "parts of the Scone" to purchase herrings, and they demanded that the Easterlings should treat merchants in their own dominions as they were treated here[4]. A few years later (1378) the Hanseatic League addressed a letter to the city of London, stating that their merchants had been deprived of their accustomed privileges in England and were molested by London citizens; in default of redress they threatened to withdraw from this country. The city replied that the privileges of the Hanse were suspended by order of parliament on account of the injuries inflicted on the king's subjects abroad[5]. They only regained their privileges when they promised to abstain from ill-treating English traders on the continent[6]. The terms of the agreement drawn up in 1390

[1] For Staplers' loans, see Jenckes, *English Staple*, 20 (*n.* 7); Sandeman, *Calais under English Rule*, 71-72; Abram, *Social England*, 66.
[2] Schanz, *Englische Handelspolitik*, ii. 565, No. 129.
[3] Pauli, *Drei volksw. Denkschr.* 24; Macpherson, *Annals*, i. 539.
[4] *Rot. Parl.* ii. 306 *a*.
[5] *Letter Book H*, 101.
[6] *Rot. Parl.* iii. 52 *a*.

provided that English merchants should enjoy freedom of traffic in Prussia and German merchants in England. "All lawful merchants of England whosoever shall have free licence and authority with all kinds of ships, goods and merchandises to resort unto every port of the land of Prussia, and also to transport all such goods and merchandises up farther unto any other place in the land of Prussia, and there with all kinds of persons freely to bargain and make sale, as heretofore it hath from ancient times been accustomed. Which privilege is granted in all things and by all circumstances unto the Prussians in England"[1]. But almost immediately the agreement was broken, and strife was renewed by both parties. English cruisers captured ships owned by Hanseatic traders, who by way of reprisal seized English vessels trading in the Baltic[2]. The League also complained that, whereas they ought to trade wholesale both with burgesses and aliens, they were prohibited from dealing with non-burgesses, and were not allowed to have their own houses, while they were also burdened with increased customs[3]. On their side the English complained that they were excluded from the Hanseatic dominions, and that the League took hostile measures against them in Norway and Sweden[4]. Under Henry IV. there were long-drawn-out negotiations in which the League treated with the king as one sovereign power with another. After a short-lived compact concluded in the first year of the reign[5], peace was eventually patched up in 1409[6]. The hostility of the Merchant Adventurers and the League was not, however, at an end. In 1435 English merchants were expelled from Prussia, and vainly clamoured that the Easterlings should receive similar treatment in England[7]. In 1442 they renewed the complaint that they were disturbed in their trade, and on this occasion the government threatened to deprive the Hansards of their privileges if they refused redress[8]. Eventu-

[1] Hakluyt (ed. 1903), ii. 18 *seq.*
[2] *Hist. MSS. Comm.* 5th Rep. App. 443.
[3] Hakluyt, ii. 72.
[4] *Ibid.* ii. 80.
[5] Rymer (O. ed.), viii. 112.
[6] For an account of these negotiations, see Hakluyt, ii. 27-98, and *Hist. MSS. Comm.* 5th Rep. App. 443.
[7] *Rot. Parl.* iv. 493 *a*; the reply was, *Le roi s'avisera.*
[8] *Ibid.* v. 64 *b.*

ally in 1468 the struggle culminated in open war and the suspension of commercial intercourse. But in 1473 Edward IV., whom the League had assisted to recover his crown, restored all their privileges on condition that native merchants were allowed to repair freely to their dominions and have full rights of trade[1]. They do not appear, however, to have returned to Boston, for when Leland visited it he found that "the steelyard houses yet there remain, but the steelyard is little or nothing at all occupied". According to his account: "The Easterlings kept a great house and course of merchandise at Boston until such time that one Humphrey Littlebury, merchant of Boston, did kill one of the Easterlings there about Edward IV.'s days; whereupon rose much controversy: so that at the last the Easterlings left their course of merchandise to Boston, *and since the town sore decayed*"[2]. The Treaty of Utrecht, as it was termed, postponed the triumph of the Merchant Adventurers for a century. The Hansards did not fulfil the conditions imposed upon them, and Henry VII. failed to destroy their monopoly[3]. Under Edward VI. (1553) their privileges were seized into the king's hands, and the reasons assigned by the government for their action in suspending the Hanseatic monopoly serve to indicate the nature of the offences with which they were charged. (1) The privileges of the steelyard extended to no certain persons or towns, and the Hansards admitted to their freedom whom they list, to the annual loss to the customs of nearly twenty thousand pounds; (2) they coloured foreign goods; (3) they denied liberties to English merchants by prohibiting them from buying or selling in their dominions, contrary to the treaty of reciprocity under Edward IV.; (4) their privileges were at first beneficial to the merchants without inflicting injury upon the realm, but were now grown prejudicial to the state[4]. Mary at once

[1] *Rot. Parl.* vi. 65 *a*. The English ambassadors were instructed to insist on reciprocity of commercial privileges: Schanz, *Englische Handelspolitik*, ii. 389, No. 82.

[2] *Itinerary*, iv. 114, 181. No doubt the real reason why the Hansards left Boston was on account of the breach of commercial relations between the League and England.

[3] *Infra*, p. 504.

[4] *Cal. of State Papers Foreign*, 1547–1553, p. 249. The loss of their privileges ruined some of the merchants: *Select Cases in the Court of Requests*, 205.

restored the steelyard to its former rights, but in the reign of Elizabeth, after making a last effort to drive the Merchant Adventurers from Germany on the ground that their monopoly conflicted with the laws of the Empire [1], it finally lost its privileged position. The Merchant Adventurers had at length emerged from the long contest successful, and they are said to have displayed their power by delaying the sailing of the Armada for a year [2].

Monopoly of the Merchant Adventurers.

The victory of the Merchant Adventurers is often interpreted in the light of a national triumph. But we must avoid the error of confusing the interests of a privileged mercantile body with those of the nation at large. In 1604 a bill was introduced into the House of Commons, which was designed to throw open the trade of the country to all merchants. The arguments by which the promoters of the bill supported their measure "for the enlargement of trade", warn us not to assume that the monopoly enjoyed by the chartered companies was necessarily advantageous to the development of English commerce: "All free subjects are born inheritable . . . to the free exercise of their industry", and "it is against the natural right and liberty of the subjects of England to restrain it into the hands of some few as now it is; for although there may be now some five or six thousand persons, counting children and prentices, free of the several companies of the merchants in the whole; yet apparent it is that the governors of these companies by their monopolizing orders have so handled the matter, as that the mass of the whole trade of all the realm is in the hands of some two hundred persons at the most, the rest serving for a show only and reaping small benefit". The commercial monopoly of the Merchant Adventurers was also held to be detrimental to the progress of English industry, and the charges levelled against the company in 1550 and 1586 [3] were repeated in 1604. "The clothiers having no utterance of their cloth but to the Merchant Adventurers, they by complot among themselves will buy at what time, what quantity and what price, themselves

[1] *Trans. Royal Hist. Soc.* N.S. xvi. 36. [2] *Ibid.* 39.
[3] *Supra*, p. 428.

list; whereby the clothiers are fain often to return with loss, to lay their cloths to pawn, to slack their trade—to the utter ruin of their poor workmen, with their wives and children". The attack upon the chartered companies was not, as is sometimes thought, inspired by jealousy of the city of London: "unless we will confine London unto some two hundred men's purses". On the contrary, the plea for free trade was intended to secure "the more equal distribution of the wealth of the land", for this, it was added, "*is a great stability and strength to the realm*" [1].

The Libelle of English Polycye.

The expansion of English trade in the fifteenth century is reflected not only in numerous statutes, but in the writings of contemporaries. A national policy was gradually formulated, and though at first vague in outline and unstable in its tendencies, it ultimately acquired precision and definiteness. The author of the *Libelle of English Polycye* [2] advanced the bold claim that England should control the commerce of the world; displaying an intimate knowledge of commercial affairs, his cardinal doctrine is that England's command of the Straits of Dover enabled her to dominate the commercial routes of western Europe. The Emperor Sigismund upon his visit to England had urged upon Henry V. the value of Dover and Calais, exhorting him to guard them "as your tweyne eyne to keep the narowe see". The importance of the Straits lay in the fact that Flanders was the staple of all "the nations of Christendom". The trade of Spain, Portugal, Scotland and Brittany centred in its great cosmopolitan ports, and therefore all the carrying trade of these countries "must needs pass by our English coast . . . betwixt Dover and Calais". This placed them in our power, and gave us a formidable instrument to employ in our diplomatic relations. Moreover, since "the wool of England sustaineth the commons" of Flanders we were in a position to ruin the Flemish manufactures. Thus the whole world must necessarily seek our friendship and goodwill. The *Libelle* accordingly reiterates the contention that

[1] *The Journals of the House of Commons*, i. 218 *seq.*

[2] Printed in *Political Poems and Songs*, ed. T. Wright (Roll Series), vol. ii.; and in Hakluyt, *Voyages* (ed. 1903), ii. 114-147.

the aim of our policy should be to make ourselves " masters of the narrow sea . . . that is the wall of England ".

" For if this sea be kept in time of war
Who can here pass without danger and woe? "

But England, we are told, was neglecting her opportunities by allowing her navy to fall into decay. Edgar had built a fleet of ships " not few but many a score ", and in the days of Edward III. there was

" . . . no navy in the sea
That might withstand of his majesty ".

Henry V. again had built three great ships, the *Trinity*, the *Grace-Dieu* and the *Holy Ghost*. But now conditions were changed, and for the ship represented on English coins our enemies in derision were bidding us " set a sheep ".

Its criticism of Italian trade.

The writer devotes special attention to England's commercial relations with the great Italian cities. He praises the Genoese because they brought us useful commodities—wood, oil, cotton, gold, cloths of gold, silk and black pepper—while they took from us our wool and woollen cloth. But the trade of Venice and Florence is bitterly condemned; it was regarded as an intolerable evil that we should exchange our valuable commodities for extravagant trifles.

" The great galleys of Venice and Florence
Be well ladened with things of complacence,
All spicery and of grocer's ware,
With sweet wines, all manner of chaffare [merchandise],
Apes and japes [buffooneries] and marmusettes [monkeys] tailed,
Nifles [nicknacks], trifles that little have availed.
And things with which they fetely [cleverly] blear our eye.
With things not enduring that we buy.
For much of this chaffare that is wastable
Might be forborne for [as] dear and deceivable . . .
Thus these galleys for this liking ware
And eating ware, bear hence our best chaffare,
Cloth, wool and tin, which as I said before,
Out of this land worst might be forborne.

For each other land of necessity
Have great need to buy some of the three;
And we receive of them into this coast
Ware and chaffare that lightly [easily] will be lost".

Even in the sixteenth century it was the ground of complaint that merchants brought in "strange merchandise and artificial fantasies" [1]. The *Libelle* also insists that the carrying trade should be in English hands, and sought to restrict the duration of foreign merchants in England to a period of forty days.

"But would God that, without longer delays
These galleys were unfraught in XL days,
And in those XL days charged again;
And that they might be put to certain
To go to host as we there with them do".

On England's Commercial Policy.

Another work, *On England's Commercial Policy* [2], was composed somewhat later than the *Libelle of English Polycye*, from which it freely borrowed many of its sentiments. It is valuable for its allusions to the condition of the working classes, to which attention has already been drawn [3]. In common with the *Libelle* the writer is at pains to show how England was in a position to exercise supremacy over all other countries, though his contention is based not on the ground of our strategic position, but on our industrial resources. No country was able to dispense with English commodities, wool and cloth, and this gave us a hold by which "we might rule and govern all Christian kings". He counselled further that we should sell our wares dear. The writers of both poems in fact were essentially mercantilist in their standpoint. They appear to have taken the view that foreign countries by obtaining our commodities enriched themselves at our expense; it was reserved for a later age to recognize that in a fair exchange both parties to the contract may equally benefit. They were anxious, therefore, that England should not part too easily with her commodities either by exchanging them for mere trifles, "things of complacence", or by selling them too cheaply.

[1] Pauli, *Drei volksw. Denkschr.* 37.
[2] *Political Poems and Songs*, vol. ii.
[3] *Supra*, p. 423.

Commercial treaties of Henry VII.

At the end of the fifteenth century a new epoch in the history of English commerce opened up with the reign of Henry VII. Henry was the first of the line of modern statesmen, and his significance lies especially in the fact that he seems to have recognized clearly the futility of the old schemes of aggrandizement on the continent. His face was turned westward, and his encouragement of voyages of discovery revealed to England her true destiny and helped to place her upon the path along which she has since moved. The pioneer of geographical discoveries was John Cabot, who was the first to set foot on the mainland of North America[1]. Henry's care for foreign commerce is seen especially in the numerous mercantile treaties which he concluded with the different states of Europe. His commercial activities fairly embraced the whole continent. He made a compact with Ferdinand and Isabella, by which the subjects of either country were at liberty to trade in the other country and to receive the same treatment as the native-born[2]. He carried out agreements with the Empire[3], France[4], and Friesland[5], which conferred trading privileges upon English merchants; but most important of all were the treaties between England and the Netherlands. The latter was the chief market for English produce, and it was of the utmost consequence to establish the relations between the two countries on a satisfactory basis. The Magnus Intercursus (1496) restored commercial intercourse after it had been suspended for a considerable time. Henry, irritated at Burgundy's support of Perkin Warbeck, and in order to force the archduke's hand, had banished Flemings from his dominions, ordering the Merchant Adventurers to leave Antwerp and removing the mart of English cloth to Calais[6]. The Merchant Adventurers rallied loyally to the king's side, and "being a strong company (at that

(i.) Relations with the Netherlands.

[1] There appear to have been three Cabot voyages, the first two under John Cabot, and the third under Sebastian his son. For a discussion as to this, see J. A. Williamson, *Maritime Enterprise* (1913), 103 *et passim.*

[2] Rymer (O. ed.), xii. 421 (1490); *ibid.* xii. 744 (1499).

[3] *Ibid.* xiii. 6 (1502). [4] *Ibid.* xii. 500 (1492). [5] *Ibid.* xiii. 121 (1505).

[6] Bacon, *Works*, vi. 147. A proclamation in 1493 forbade all trade between England and the Low Countries: Crawford, *Tudor and Stuart Proclamations*, i. 3, No. 23.

time) and well under-set with rich men and good order, did hold out bravely; taking off the commodities of the kingdom, though they laid dead upon their hands for want of vent"[1]. The Magnus Intercursus ensured a free market for the sale of English cloth, which was no longer to be excluded from the Netherlands (except Flanders); it also stipulated that only the customary duties should be imposed, and obtained the removal of the new imposition placed on English cloth[2]. The English merchants, says Bacon, "came again to their mansion at Antwerp where they were received with procession and great joy"[3]. In 1499 another treaty removed all existing duties on cloth and allowed it to be sold anywhere within the dominions of Burgundy (except Flanders), and not merely at Bruges and Antwerp[4]. Finally, in 1506, the Malus Intercursus crowned Henry's efforts to establish complete freedom of trade by enabling English merchants to sell cloth in the Low Countries retail and not only wholesale, and even to sell cloth in Flanders, although here traffic was to be wholesale[5]. But the next year Philip of Burgundy died, and the Regent's refusal to ratify the treaty compelled a fresh agreement in which the concession of retail trading was withdrawn, though the other privileges remained intact.

(ii.) *Relations with the Hansards.*

Henry's relations with the Netherlands showed his anxiety to advance the commercial interests of his country and find an outlet for the cloth manufacture. The same principles of conduct influenced his dealings with the Hansards and the Venetians. At the outset, indeed, Henry did not enjoy a free hand; the great disturbing factor of his reign was the insecurity of his throne which compelled him to pursue a makeshift policy. His leading idea was to prevent foreign courts from lending encouragement to pretenders, and he shrank from an open breach with the powerful Hanseatic League, which had already assisted one claimant to obtain the English throne and might easily be

[1] Bacon, *Works*, vi. 172.
[2] Rymer, xii. 655. Proclamation of peace: *Tudor and Stuart Proclamations*, i. 3, No. 24.
[3] *Works*, vi. 173.
[4] Rymer, xii. 716; *Tudor and Stuart Proclamations*, i. 5, No. 37.
[5] Rymer, xiii. 134.

induced to assist another. But though compelled to confirm their privileges, he showed none the less clearly the trend of his inclinations and harassed them in divers ways. In order to break down their exclusive monopoly, he entered into compacts with Denmark (1489) and Riga (1498). The former welcomed an alliance against the common rival and admitted English merchants on advantageous terms, conferring upon them full trading rights in Denmark and Iceland[1]. A generation earlier (1450) Canynges, the merchant prince of Bristol, and other traders had been allowed to share in the trade with Iceland[2]. The treaty with Riga (1498) was a virtual attempt to detach it from the League, but the latter reasserted its control and foiled Henry's efforts to make a breach in its monopoly[3]. There were difficulties raised on both sides: Henry's commissioners reiterated their grievance that Englishmen were denied reciprocal rights in the Hanseatic dominions in spite of the Treaty of Utrecht;[4] the Hansards complained of their injuries in England, "which they would fain have written with a pen of iron on a hard flint-stone that they might never more forget it"[5]. But later a new menace confronted Henry in the pretensions of the earl of Suffolk, and once again the claims of dynasty proved paramount. He abandoned his hostility to the League and restored it to complete favour. A statute of 1504 provided that no acts relating to merchants or merchandise should extend "to the prejudice, hurt or charge of the said merchants of the Hanse contrary to their ancient liberties, privileges, and free usages and customs of old time granted to" them[6]; and the League maintained its position throughout the reign of Henry VIII.

English trade in the Mediterranean.

Henry not only sought to gain a firmer footing for Englishmen in the Baltic, his enterprise also made itself felt in other directions. English merchants had already begun to participate in the trade of southern Europe, and to frequent the ports of the Mediterranean with their

[1] *Rymer*, xii. 381. [2] *Ibid.* xi. 273, 277. [3] *Ibid.* xii. 701.
[4] Schanz, *Englische Handelspolitik*, ii. 423, No. 94 (1499).
[5] W. Busch, *England under the Tudors* (1895), i. 154.
[6] *Statutes*, ii. 665.

ships. They had petitioned Henry IV. (1411) to allow them to send wool and other merchandise through the Straits of Gibraltar[1], and in 1449 special licence for this purpose had been extended to John Taverner, a merchant of Hull[2]. Henry (1486) appointed a consul at Pisa, who was to determine all suits and controversies and to receive the fourth part of one ducat for every hundred ducats' worth of English goods carried thither[3]; in this direction he was only following in the steps of Richard III., who had made Lorenzo Strozzi, a Florentine, English consul at Pisa[4]. In the opening years of the sixteenth century, "divers tall ships of London . . . with certain other ships of Southampton and Bristol had an ordinary and usual trade to Sicily, Candia, Chios and somewhile to Cyprus", and also to Tripolis and Syria. They carried cloth and brought back silks, rhubarb, malmsey and other wines, sweet oils, cotton-wool and spices: "all which particulars", says Hakluyt, "do most evidently appear out of certain ancient ledger-books" of London merchants[5]. The progress of English trade in the Mediterranean was marked in the next reign by the appointment of a consul at Scio[6] in 1513, and at Candia[7] in 1530. The great rival of English traders in the South was Venice, whose supremacy in the Mediterranean answered to the Hanseatic domination in the Baltic. In order to protect their monopoly, the Venetians (1488) laid an extra duty of four gold ducats upon malmsey wine exported from Candia by English shippers. This would have ruined the English wine trade in Candia; and Henry, alive to the danger, took active steps to meet the challenge. A proposal was made to establish an English wool-staple at Pisa as a centre of Italian trade in competition with Venice, which was to receive no wool beyond six hundred sacks[8]. In these negotiations with Venice, Pisa was assigned the part that Denmark and Riga had played in Henry's relations with the Hanseatic League. The plan originated with Florence which controlled Pisa, and it at once awakened

(iii.) *Relations with Venice.*

[1] *Rot. Parl.* iii. 662 *a*.
[2] Rymer, xi. 258.
[3] *Ibid.* xii. 314.
[4] *Ibid.* xii. 270 (1485).
[5] Hakluyt (ed. 1903), v. 62.
[6] Rymer, xiii. 353.
[7] *Ibid.* xiv. 389.
[8] *Ibid.* xii. 391, 392 (1490).

the apprehensions of Venice, whose great rival Florence was at this time. If Venetian merchants were forbidden to export wool by sea from this country, they said, they would have no motive for visiting these shores and the 'Flanders' Galleys would cease to bring spices and wines and other commodities, since England prohibited the export of gold and silver abroad. It meant, in fact, an end to all commercial intercourse between England and Venice[1]. None the less the attitude of Venice remained unchanged, and Henry was driven to other measures of retaliation. The act of 1491 ordered alien importers of malmsey wine to pay eighteen shillings per butt increased duty, and the price of wine was fixed at four pounds the butt in order that the additional duty should not fall upon the consumer in this country[2]. This measure seems to have attained its end, and Venice was compelled to moderate her tariffs.

The Navigation Acts.

Another feature of Henry's commercial policy was his maintenance of the navy. The Tudors recognized the importance of the navy on grounds set forth in the act of 1540: "The navy of this realm in times past hath been and yet is very profitable, requisite, necessary and commodious as well for the intercourse and concourse of merchants transporting and conveying their wares and merchandises as is above said, and a great defence and surety of this realm in time of war as well to offend as defend, and also the maintenance of many masters, mariners and seamen, making them expert and cunning in the art and science of shipmen and sailing, and they, their wives and children, have had their livings of and by the same, and also hath been the chief maintenance and supportation of the cities, towns, villages, havens and creeks, near adjoining unto the sea coasts, and the king's subjects, bakers, brewers, butchers, smiths, ropers, shipwrights, tailors, shoemakers and other victuallers and handicraftsmen inhabiting and dwelling near unto the said coasts have also had by the same a great part of their living"[3]. In the very first year of Henry VII.'s reign an act was passed, the preamble of which lamented

[1] *Venetian State Papers*, i. 185-186, Nos. 561, 562.
[2] *Statutes*, ii. 553.
[3] *Ibid.* iii. 760.

"the great diminishing and decay that hath been now of late time of the navy", and it enacted that wines of Guienne and Gascony should be imported only in English, Irish or Welsh ships[1]. Three years later it was added that the masters and mariners must be English subjects[2]. Bacon in commenting upon these acts praises Henry for "bowing the ancient policy of this realm from consideration of plenty to consideration of power: for that almost all the ancient statutes invite (by all means) merchant strangers to bring in all sorts of commodities; having for end cheapness, and not looking to the point of state concerning the naval power"[3]. But the long line of Navigation Acts, which culminated in the famous acts of the Commonwealth and the Restoration, can be traced far beyond the reign of Henry VII.; the first[4] belongs to the reign of Richard II. (1381). As early as 1371 the decay of the navy was made the ground of complaint, and the Commons affirmed the principal causes to be: (1) that ships were arrested on the king's behalf long before they were needed for service, and during the period of waiting the owners had to bear the charges at their own cost both of the mariners and all appurtenances, without making any profit in the meantime to their undoing; (2) that merchants, the "nourishers of the navy" were often restrained by ordinances from their voyages and other affairs, whereby mariners were driven to seek other trades and livings; (3) the masters of the king's ships under pretext of their office made masters of other ships serve them, by which most of the ships lay still and the mariners were forced to take up new occupations[5]. These complaints led to the act of 1381, which sought "to increase the navy of England which is now greatly diminished". It enacted that "none of the king's liege people do from henceforth ship any merchandise in going out or coming within the realm of England, in any port, but only in ships of the king's liegance"[6]. But the following year the proviso was added that the act was only to be valid, provided there were native ships "able and sufficient" to undertake the carrying

Complaints of the decay of the navy.

Attempted remedies.

[1] *Statutes*, ii. 502. [2] *Ibid.* ii. 535.
[3] *Works*, vi. 96. [4] Macpherson, *Annals of Commerce*, i. 592.
[5] *Rot. Parl.* ii. 307 *a*. [6] *Statutes*, ii. 18.

trade [1]; and the result must have been largely to frustrate the aim of Richard's measure. Henry IV. took other steps in an Ordinance of 1406, by which the safeguard of the seas was entrusted to English merchants themselves. It was agreed that they should furnish for part of the time two thousand men-at-arms and archers, and for the other part a thousand men, sometimes more and sometimes less, as need arose, and also a sufficient number of mariners to man the ships. In return they were to receive twelvepence for every pound of merchandise, three shillings for every tun of wine, the fourth part of the subsidy of wool granted in the last parliament, and all prizes they might take. They were to nominate two admirals, one for the south and the other for the north [2]. Shortly afterwards, however, the king at their request granted the merchants their discharge from the safeguard of the seas [3]. Subsequently (1454) "the safeguard and keeping of the sea" was entrusted to five lords [4], but they were discharged from the task the following year [5], and two years later Warwick the King-maker was appointed for the purpose [6]. The navigation policy of earlier reigns—intermittent as it was—was continued, nominally at any rate [7], under the first two Tudors. We have already dealt with the acts of 1485 and 1488, and their subsequent history can be briefly outlined. They were confirmed by Henry VIII. in 1532 and 1540, but partly repealed by Edward VI. (1552) on the ground that their only result was to increase the price of wine without in any way benefiting the navy. At length Elizabeth abandoned the navigation policy, recognizing that laws forbidding the employment of foreign ships caused retaliatory measures to be adopted in other countries [8].

[1] *Statutes*, ii. 28. In 1390 it was added that native shippers must "take *reasonable* gains": *ibid.* ii. 77.

[2] *Rot. Parl.* iii. 569 *b*. The first article is given inaccurately in Cotton, *Exact Abridgement of the Records*, 452. [3] *Rot. Parl.* iii. 602 *a*.

[4] *Ibid.* v. 244 *a*. [5] *Ibid.* v. 283 *a*. [6] *Patent Rolls*, 1452–1461, p. 413.

[7] Williamson (*Maritime Enterprise*, 209) holds that the "importance [of the act of 1485] cannot be overestimated. It remained in full operation for more than sixty years . . . producing a mercantile revival". But this view seems disproved (i.) by the grants of licences allowing the use of foreign ships; (ii.) by the preamble to the act of 1540 which declares that the navigation acts had been disregarded.

[8] *Statutes*, iii. 374 (1532), 760 (1540); iv. part i. 154 (1552), 375 (1559).

CHAPTER XI

REVENUE AND EXCHEQUER

THE central department of finance in England was known as the Exchequer, and an account of its administration in the twelfth century is contained in the *Dialogus de Scaccario*, written by Richard, Bishop of London, great-nephew of Roger of Salisbury. In its finished shape it consisted of two separate portions, each with its own staff, and a distinction must therefore be drawn between the Lower Exchequer called the Treasury of Receipt, and the Upper Exchequer or court of account. The Treasury of Receipt constituted the office where the money was paid and stored. At its head were nominally the treasurer and chamberlains, but the actual work was performed by their deputies. The clerk of the treasurer kept official records of receipts, and two knights, representing the chamberlains, supervised the tallies. Different functions were also assigned to the *pesour*[1] who weighed the silver pennies, the four tellers who counted them and the melter who made the assay. The Upper Exchequer, which audited and controlled the accounts, consisted of the great officers of the king's household, who were known as the barons of Exchequer, though they did not always make an appearance in person but could act by deputy. The justiciar, who represented the king, presided over the court and dispensed the patronage. The chancellor embodied the equitable jurisdiction of the king's court and sealed the writs[2]. The treasurer was burdened with the chief responsibility; he received the sheriff's accounts and dictated the entries on the pipe rolls. Other officers con-

Organization of the Exchequer.

[1] Madox, *Exchequer*, 197.

[2] H. Hall, *Introduction to the Pipe Rolls*, in Pipe Roll Soc. Pub. iii. 38.

cerned in the proceedings of the court, and with their places assigned to them at the table, were the chamberlains, associated with the duties of the treasurer, the constable who witnessed documents and paid allowances and other items of expenditure, and the marshal who kept the tallies of the debts. Henry II. appears to have added two new offices, which were held by the bishop of Winchester and a Sicilian expert, Master Thomas Brown, the king's almoner. The Upper Exchequer was the king's court of finance, but as the author of the *Dialogus* observes, its importance did not consist in merely auditing accounts, but in its knowledge of the different sources from which revenue is drawn, and in the tight hold it maintained over the sheriff[1]. The Exchequer sat twice a year, usually—as it would appear—at Winchester[2], but sometimes in London and other towns[3]. At the first session held at Easter no formal account was rendered, but a "view of the account" was taken; the sheriff set forth the disbursements he had made on the king's behalf. At Michaelmas the 'summ' or complete account in all its details was entered upon the rolls. On each occasion the sheriff paid in one half of his account, and this was known as the 'profer'[4].

The working of the Exchequer system:

The working of the Exchequer system can best be illustrated by concentrating attention on three main points: (1) the computation of money; (2) the methods of payment; (3) the issue of receipts.

(i.) The computation of money.

(1) The arithmetic employed at the Exchequer was a system of calculation based upon the abacus. A rectangular board was covered with a black cloth ruled with white lines a foot apart. The *Dialogus* only mentions the vertical lines running in columns, but it is clear that the board contained also horizontal lines[5]. This division of the board

[1] *Dialogus de Scaccario* (Oxford ed. 1902), I. iv. p. 68.

[2] *Ibid.* I. iii. p. 66. Under Henry II. the treasure was permanently stored at Winchester: Round, *The Commune of London*, 80.

[3] *Dialogus*, Introd. 44.

[4] *Ibid.* II. ii. p. 115.

[5] *Ibid.* I. i. p. 60. For the name Exchequer and the horizontal lines, see Madox, *Exchequer*, 109; Round, *Commune*, 74 (*n.* 2); Hall, *Antiquities of the Exchequer* (1898), 115; R. L. Poole, *The Exchequer in the Twelfth Century* (1912), 100; C. H. Haskins, "The Abacus and the King's Curia" in *English Hist. Review*, xxvii. 101 (*n.* 2). Contrast Cunningham, *English Industry*, i. 156 (*n.* 3).

into squares gave it the appearance of a chessboard, and from its chequered cloth the Exchequer took its name. The system of the abacus contained no zero; and in ordinary calculations the parallel columns of the board were employed for units, tens, hundreds and other denominations. For the purpose of monetary calculations, however, the system underwent a necessary modification. The first column stood for pence, the second for shillings, the third for pounds, the fourth for scores of pounds, the fifth for hundreds, the sixth for thousands, and the seventh (*set raro*) for tens of thousands[1]. The calculation was worked out by means of counters and the result was then recorded in writing. At the foot of the table sat the calculator, who—as the different items of the sheriff's account were enumerated—placed counters in the proper columns. Counters inserted on the upper portion of the board denoted the sum of money owed by the sheriff, and counters on the lower portion denoted disbursements; the accounts were then easily balanced, and the surplus or deficit ascertained at a glance[2]. The value of the counters depended on their position inside the column. According to the account given by Robert Recorde[3] in 1543: "For the pence a single counter above the units signifies 6d. In the shillings [and other columns] a single counter above the units on the right signifies 5, and a single counter on the left 10". A sum of £198: 19: 11 would appear thus:

£180 (=nine score).	£18.	19s.	11d.
.	. .	. .	.
. . .	. . .	. . .	. . .
,		.	. .

[1] *Dialogus*, I. v. p. 75.

[2] Mr. Poole, *op. cit.* 131, has pointed out that "the form in which the account of the farm is drawn up . . . is apt to cause difficulty to those who begin the study of the pipe rolls". 'And he owes so much' means that the sheriff has a balance over in the king's favour to meet royal expenses for the forthcoming year. 'And he has a surplus' implies that the sheriff has paid out on the king's behalf more than he has received, and will make good the deficit from the next year's account; thus the balance is against the Exchequer.

[3] *Dialogus*, Introd. 39-40.

(ii.) *The methods of payment.*

(2) In the time of the *Dialogus* two distinct systems of payment were in operation at the Exchequer, payment by tale (*numero*) and payment by assay (blanch). We have to remember that the currency was generally below the legal standard of weight or fineness, and the sheriff was required to make good the deficiency. Where payment was made by tale it was counted out, but it was first necessary to ascertain how many pence balanced the standard pound; accordingly a pound weight was placed in the scales and the money was weighed. If more than two hundred and forty-six pence were needed to strike the balance, the money was rejected as quite inadequate; otherwise the money was accepted, but the sheriff was required to pay an extra shilling in the pound. Thus the sheriff did not get the full allowance even if the actual deficiency of weight was less than a shilling. This form of payment covered the king's revenue against loss from the wearing and clipping of coins, but not against false coining. The device here adopted was to submit the money to an assay, and all payment made in blanch money was tested by a mechanical process. We have a very detailed though not altogether clear account of how the assay was conducted[1]. A purse of forty-four shillings was set aside; from these twenty were taken for the purpose of the test. The melter purified the silver, and after the removal of the dross the loss arising from the assay was met by the sheriff. It is evident, though the *Dialogus* is silent on the point, that the assay was not intended to reduce the money to its value in pure silver entirely free from all alloy[2]. Standard silver was not pure silver, but silver with eighteen dwts. of alloy to the pound[3]. If pure silver had been demanded at the Exchequer, the sheriff's deficiency would never have fallen below eighteenpence in the pound, whereas on the contrary an increment of twelvepence was considered sufficient whenever an assay, for whatever reason, was inexpedient. There are traces in early times of two other methods of payment at the Exchequer—*ad*

[1] *Dialogus*, I. iii. p. 64. [2] *Ibid.* Introd. 30-31.
[3] *Ibid.* 30; G. J. Turner, "The Sheriff's Farm", in *Trans. Royal Hist. Soc.* N.S. xii. 135.

pensum and *ad scalam*. When money was paid *ad pensum* it was weighed, and a variable deduction was made according to the deficiency revealed by the scales. When money was paid *ad scalam* a vantage payment was offered of sixpence in the pound. This is regarded by Madox [1] as a form of payment by weight, where to avoid the trouble of weighing the deficiency was averaged at a fixed rate of sixpence. To all appearance, however, payment *ad scalam* was really blanch payment, a fixed deduction of sixpence being made in lieu of a true assay. At any rate, the Exeter writs [2] of Henry I. use the term *ad scalam* as equivalent to blanch. Later the rate of payment for blanch money, where an actual trial by fire (*combustio*) did not take place, was raised from sixpence to a shilling in the pound.

(iii.) *The issue of receipts.*

(3) The payment of money was receipted by means of official instruments called tallies. The tally was a stick, usually made of hazel, upon the edges of which the sum of money paid was cut in notches. On the lower edge, towards the holder of the tally, the incisions denoted the larger denominations, and on the upper edge the smaller denominations with the pence at the right-hand end. The stick was split through the incisions almost to the bottom, and a portion retained by each of the parties to the transaction. The sheriff kept the stock (*stipes*), the tally proper with the stump or handle attached to it, and the Exchequer held the counterfoil, the flat piece stripped off the tally. The tally was not without merits, for "as a financial instrument and evidence it was at once adaptable, light in weight and small in size, easy to understand and practically incapable of fraud . . . a handy and durable form of receipt" [3]. The use of tallies was abolished in 1783, though they did not disappear completely until 1826. A recent discovery has brought to light the Exchequer tallies used in the thirteenth century; and this has made it possible for the first time to describe the Exchequer tally from actual specimens. The tally was cut according to definite rules [4]. A thousand

[1] Madox, *Exchequer*, 187. [2] Round, *Commune*, 85, 87, 95.
[3] H. Jenkinson, "Exchequer Tallies", in *Archæologia*, lxii. part ii. 368.
[4] *Dialogus*, I. v. p. 74.

pounds was marked by a cut as thick as the palm of the hand, a hundred by the breadth of the thumb, a score by the breadth of the little finger, a pound by the breadth of a grain of ripe barley, a shilling still less, and a penny by a single incision, nothing being cut out of the wood.

The origin of the Exchequer.

We have now to consider the difficult problem of the origin of the Exchequer. We cannot regard it as a single homogeneous institution native to English soil, or transplanted bodily from the continent. Its composite character and complicated machinery serve to make it clear that the constituent elements in its formation were not created at one stroke, but came into existence separately. The questions to be resolved affect three characteristics: (1) the constitution of the court, (2) the monetary system, (3) the methods of calculation.

(i.) The constitution of the court.

(1) The existence of a central department of finance in England before the Norman Conquest may perhaps be taken for granted, for a system of finance is the first condition of organized government. We have, however, no information as to its constitution nor even as to its name, for the term 'Hoard' is never applied to the king's treasure [1]. In Domesday there is mention of Henry the Treasurer, who had a house in Winchester "in King Edward's time", but it is not stated that he was treasurer before the Conquest [2]. The Editors of the *Dialogus de Scaccario* regard the Treasury of Receipt as the older part of the Exchequer and as the successor of the Anglo-Saxon treasury, while they regard the Upper Exchequer as originally imported from abroad [3]. This conclusion is based upon the identity of the staff of the Upper Exchequer with the staff of the king's household placed in charge of the financial administration, and "the constitution of the household is clearly of Frankish origin". There are signs, however, that the officers of the household already existed in the days of Edward the Confessor [4], and the staff of the Upper Exchequer may also therefore have been organized before the Norman Conquest. But with

[1] Poole, *Exchequer*, 21. [2] *Vict. County Hist. Hampshire*, i. 426, 534.
[3] *Dialogus*, Introd. 14, 28, 43.
[4] Round, "The Officers of Edward the Confessor", in *English Hist. Review*, xix. 90.

this modification it may none the less be true that the organization of the Exchequer was originally imported from abroad, for Edward introduced many foreign practices and employed Norman officials.

(2) With regard to the forms of payment we can speak with more certainty as to the date of their introduction. The account given by the author of the *Dialogus* runs as follows: "According to the tradition handed down to us by our fathers, in the early state of the kingdom after the Conquest, the kings used to receive from their manors not sums of gold or silver but only provisions, from which were supplied the daily necessaries of the king's household. . . . This system then prevailed during the whole reign of King William I. and down to the time of King Henry his son; so that I have myself met people who have seen provisions brought to the court at appointed times from the royal manors". An allowance was made for these to the sheriff. "But as time went on, when King Henry was engaged abroad or in remote parts of the country in suppressing rebellion, it became necessary that he should have coined money for his expenditure. And at the same time there poured into the king's court crowds of complaining husbandmen, or—what was more disagreeable to him—often met him as he journeyed, holding up their ploughshares as a sign that agriculture was decaying. . . . Accordingly the king, moved by their complaints, acting on the advice of his magnates, sent through the kingdom men whom he knew to be wise and fitted for the work, in order that they might visit and inspect each manor with their own eyes and then estimate in money the value of the payments in kind. And they arranged that the sheriff of the county should be responsible at the Exchequer for the total amount due from all the manors in the shire"[1]. But since the currency was liable to deterioration the sheriff was compelled to make extra payment 'at a scale' (*ad scalam*) of sixpence in the pound. The next step was taken when the farm was required to be paid also by weight (*ad pensum*). These precautions were valid in regard to the number and weight

(ii.) *The monetary system.*

[1] *Dialogus*, I. vii. p. 89.

of the coins but not in respect of their quality, and this involved the assay. The general trend of argument here advanced appears likely enough. We start from a time when the king's revenue was paid in kind, and tenants on the royal demesne were directly called upon to contribute supplies for the maintenance of the king's household. The drawbacks of this cumbersome system in which taxes were paid in kind led to the adoption of a new expedient, and gradually payments in kind were superseded by payments in money (*numero*) for which the sheriff became responsible. The deterioration of money, however, resulted in deficiencies of weight and fineness, and first payment by weight and then by assay became the practice. But as an historical statement the *Dialogus* contains three serious errors. In the first place the 'blanch' system—by which money was paid in assayed or tested silver—was not unknown before the Norman Conquest. It may have been unusual and confined to the king's lands, but the testimony of Domesday Book is conclusive evidence that, however rare, it was not a reform invented by Roger of Salisbury[1]. In the second place the valuation of payments in kind in terms of money was not the work of Henry I., but can be traced to the reign of the Confessor[2]. Many rents doubtless continued to be paid in kind[3], and honey payments especially survived, but they were all valued in money. The manors of the royal demesne were burdened with an obligation known as the *firma unius noctis* to provide supplies for the royal household for one or more days in the year, and this *firma* was already commuted for a fixed and definite sum, apparently eighty pounds[4]. In the third place the *firma comitatus*, the system by which the sheriff farmed the revenues of the shire and paid a composite sum into the Exchequer, did not originate in the twelfth century but was already familiar in Saxon

[1] Round, *Commune*, 66; *Vict. County Hist. Hampshire*, i. 415. The statement in the *Dialogus* (I. iv. p. 67) is bracketed by the Editors as being untrue.

[2] Round, *Commune*, 69.

[3] At Southampton payment in kind was often accepted originally; *e.g.* merchants could pay for every bale of spices one pound of merchandise or the value thereof: *Oak Book*, ii. pp. xiii. and 9.

[4] Poole, *Exchequer*, 29.

times[1]. All this, however, does not exclude the possibility that important changes were instituted after the compilation of Domesday. The Pipe Roll of 1130 shows that the system of blanch payments had ceased to be exceptional and was now fully established. Again the farm of the shire seems to have been revalued, but it is doubtful if we can assign definite dates to the different changes which took place after 1086[2].

The methods of calculation.

(3) The arithmetical system of the Exchequer, the method of calculation by means of the abacus, was almost certainly of foreign origin. Some doubt has been expressed on this point[3], but the Anglo-Saxon system of reckoning was duodecimal; the hide of land was the long hundred (*majus centum*) of 120 acres, the pound contained 240 pennies, and the pound's weight was twelve ounces. Now the abacus was a decimal system, and the substitution of one system for the other involved a real break in the continuity of the Treasury. The revolution transformed the Exchequer and opened up a new stage in its development. The *Dialogus* tells us that the old name for the Exchequer was tallies; in other words, financial business was at first conducted and accounts were kept by means of tallies and later by the chequered cloth. The substitution of a new arithmetical device in the audit of accounts, the counting of money on a squared table, completely reversed the existing system and introduced the Exchequer, as we now know it, into England. When the abacus was adopted at the Treasury we cannot determine. It is at any rate clear that a change so drastic was not a gradual process, but the achievement of some individual[4]. The reign of Henry I. is the most likely period, and it has been conjectured that Adelard of Bath, an Englishman who studied at Laon in France and wrote a treatise on the abacus at the beginning of the twelfth century, introduced the system into England. Shortly

[1] Round, *Commune*, 72; *Vict. County Hist. Somersetshire*, i. 396.

[2] *Dialogus*, Introd. 36. The Editors (*ibid.* 38) suggest 1108 as the date when money payments were introduced at the Exchequer; and 1125 when they were made *ad pensum*, though the introduction of each method did not "necessarily coincide with its invention."

[3] Petit-Dutaillis, *Studies Supplementary to Stubbs*, i. 49.

[4] Cf. Round, *Commune*, 74; Poole, *Exchequer*, 40.

afterwards the system was also in operation in Normandy, and the conclusion would seem to follow that the Exchequer passed from England to Normandy, and not conversely. In any case, however, the men who established it in England were not Englishmen, for the ministers of the Norman kings were of an alien race [1].

Conclusions.

We can now state the conclusions which have been reached as to the antiquity of the English Exchequer. The Lower Exchequer can be identified definitely with the Anglo-Saxon Treasury, and we have clear evidence also that many features of the Exchequer system existed at an early date; the valuation of the royal rents in money, the farm of the shires and the different standards of payment, whether tested, counted or weighed, can all be credited with a pre-Conquest origin. Moreover, the employment of the assay involves the further assumption of a fairly elaborate machinery by which money was weighed and tested. Again, we cannot be certain that the financial staff of the Upper Exchequer did not already exist in the reign of the Confessor. But in any case the really characteristic feature of the Exchequer, the employment of a new system of audit based upon the chequered table and the abacus, constituted the decisive change which differentiates the Exchequer from the older Treasury. The Exchequer in the strict technical sense as a court of audit of accounts was to all appearance the work of Henry I., and we need not hesitate to regard it as of foreign origin. Whether the abacus was intended for the benefit of unlearned sheriffs, as Dr. Round thinks [2], or whether it was a specialized device only employed by skilled calculators, as the Editors of the *Dialogus* suppose [3], does not appear to affect the main conclusion as to the date of its introduction.

Sources of Crown revenue.

The Norman Conquest opened up a new epoch in the history of English taxation. The Conqueror's system of government exhibited a statesmanlike grasp in its preservation of all that was best in Anglo-Saxon institutions, combined

[1] For Adelard, see Poole, *Exchequer*, 45, 47, 57 *seq.*, and C. H. Haskins, "Adelard of Bath", in *English Hist. Review*, xxvi. 491 *seq.*

[2] Round, *Commune*, 74, 94.

[3] *Dialogus*, Introd. 42.

with all that was sound in Norman institutions. William I. associated in his person all the powers of national monarchy together with those of feudal sovereignty. As the successor of the native kings and father of his people, he retained Danegeld and the feorm derived from the royal estates; as the supreme landowner and lord of his people, he added feudal imposts. The various fiscal devices incidental to feudalism, aids, reliefs, escheats and the rest, constituted an important source of income; but we shall confine our attention to other branches of Crown revenue: (i) taxes on movables, (ii.) custom duties, (iii.) profits of jurisdiction, (iv.) penalties on usury.

Taxes on movables.

In the twelfth century a new and revolutionary expedient of taxation was devised, the taxation of personal property. It was first introduced in the reign of Henry II., when a fractional part of every man's movables — known as the Saladin Tithe (1188)—was granted for a Crusade. On this occasion the tax was levied for an ecclesiastical object; it was first applied to secular purposes under Richard I., when a grant of one-fourth was exacted for the king's ransom. The amount of the tax varied for a time, but ultimately it was settled at a fifteenth in the case of a county and a tenth in the case of a town. The liability of the tax-payer was determined when necessary by a jury of assessment. The procedure in 1188 was set forth in the injunction that "if any one in the opinion of his neighbours give less than he ought, let four or six lawful men be chosen from the parish to state on oath the amount which he ought to have stated, and then he must make good the deficit"[1]. But in 1332 the attempt to levy the fifteenth and tenth provoked considerable friction. Whether the assessment in this year was made more strict or not we cannot say, but the commissioners were accused of unfairness and fraud. In the nature of things a direct tax arouses opposition, and the tendency of a government is therefore to follow the line of least resistance by accepting a nominal and unvarying assessment. Accordingly, in 1334, the commissioners[2] were empowered

[1] The Ordinance of the Saladin Tithe is printed in S. Dowell, *History of Taxation and Taxes in England* (1888), i. App. I.

[2] *Ibid.* i. 85-86.

to bargain with the towns and the counties as to the composition which they were prepared to make in lieu of new assessments. The localities undertook responsibility for the payment of a definite sum of money, and then apportioned this amount among the contributors within their jurisdiction. Henceforth the old machinery of assessment and collection was abandoned, and a new method adopted by which every district was burdened with a fixed responsibility. The amount raised in 1334 was between £38,000 and £39,000, and henceforth "a fifteenth and a tenth was practically a fiscal expression for a sum of about £39,000"[1]. A new basis of taxation had in fact been established. A fractional grant of a fifteenth or tenth of a man's movables ceased to bear any relation to his actual resources, but implied a definite sum of money levied upon the localities in fixed and unvarying proportion. When more than £39,000 was required parliament made a grant of several fifteenths and tenths, and when less sufficed half a fifteenth and tenth would be voted. Ultimately the change was something more than a mere alteration in the form of the tax. During the fourteenth and fifteenth centuries the prosperity of different parts of the country rose and fell; many of the older boroughs declined, and new centres of wealth and activity took their place. The settlement of 1334 became totally inadequate, but the effort to institute new methods of taxation was foiled by the invincible repugnance of Englishmen to fiscal innovations. The results which followed the poll-taxes under Richard II. did not encourage the government to devise new financial expedients, and the old system was retained throughout the Middle Ages. It was impossible, however, to ignore the complaints of decayed towns upon whom the burden of taxation, once perhaps lightly shouldered, now pressed heavily, and exemptions were made for their relief. After 1432 the grant of a fifteenth and tenth was expressly accompanied by a remission in their favour, amounting at first to £4000 and subsequently to £6000. In 1463 another departure was made, and a fresh concession allowed by which all persons, whose real property fell below

[1] Dowell, *Taxation*, i. 87.

an annual value of ten shillings or personal property below five marks, were exempted from the tax[1].

Tudor subsidies.

The system of fifteenths and tenths continued during the sixteenth century, but side by side with it there also grew up under the Tudors a new form of taxation known as the Subsidy, which supplemented but did not supersede the existing taxes. In 1514 a general subsidy of sixpence in the pound was granted, and the practice became common; while in 1544 a full subsidy, as it was called, of four shillings in the pound on lands and two shillings and eightpence on goods was made. In 1597 this 'full' subsidy yielded only £80,000, a sum notoriously out of all correspondence with the real wealth of the country. Sir Walter Raleigh raised a vigorous protestation against this under-assessment: "Our estates that be £30 or £40 in the queen's books are not the hundredth part of our wealth"[2], and Bacon also asserted that "the more gentlemen ever the lower books of subsidies"[3]. The fate which had befallen the fifteenths and tenths overtook the subsidy. The highest recorded amount produced by a subsidy was £120,000[4], but the assessment for each locality grew fixed once and for all, and a subsidy became 'a fiscal expression' for £80,000. The words applied in 1500 by a Venetian[5] to the older tax could be applied a century later to the subsidy: "this tithe is not taken according to the real property of either the clergy or the laity, but by an ancient assessment of the kingdom". Whenever a larger sum of money than £80,000 was needed, a number of subsidies was granted simultaneously.

Custom duties.

Another branch of the royal income in the Middle Ages was the custom-revenues. Their early history is obscure, and it is difficult to discover the principle upon which they were originally exacted. One authority[6] would regard customs as in the nature of a fine offered by merchants to obtain the king's protection; the toll is represented as a

[1] Dowell, *Taxation*, i. 112 (1432); 120 (1463).

[2] *Ibid.* i. 130 (1514); 140, 152 (1544); 150 (1597); 150 (Raleigh's protest in 1601).

[3] Bacon, *Works*, vi. 94. Tudor subsidies should not be confused with custom subsidies: *infra*, p. 523.

[4] Dowell, *Taxation*, iii. 71; i. 154.

[5] *Italian Relation of England*, 52.

[6] Dowell, *Taxation*, i. 75.

premium paid for insurance against molestation or injury. An alternative view[1] traces the customs to the vague and undefined rights of prerogative, which the king was supposed from the earliest times to exercise over his people. The obligation of the subjects to maintain the king's household gave rise to a privilege of pre-emption or purveyance, by which the royal officers could purchase supplies for his exigencies at their own price. This in practice tended to become a tax in kind, and from it was developed by an extension of the principle the further right of appropriating a portion of all merchandise exported from or imported into the kingdom. The next step was taken when requisitions in kind came to be commuted for payments in money levied on a percentage. This was part of a general process of development from a natural to a money economy, which had already made considerable progress before the Norman Conquest. But the uncommuted toll survived in the case of wine, for which native merchants paid prisage in kind[2].

Antiqua Custuma.

At first the exactions levied by the Crown upon native or foreign commodities were arbitrary, but gradually they became fixed and definite. Magna Carta ordered that customs dues should be reasonable[3] (*per antiquas et rectas consuetudines*), but the vague injunction was no restraint upon a needy monarch. However, between 1215 and 1275, a recognized scale of duties was established[4]. It became 'customary' to take half a mark on a sack of wool, a mark on a last (twelve dozens) of hides, and threepence upon a pound of lead or tin. There was also a *recta prisa*[5] of wine; one cask or two at the most for every cargo. These rates constituted the *Antiqua Custuma* which were ratified by parliament in 1275, and any excess was called a maltolte and raised opposition. The maltolte sometimes amounted even to forty shillings the sack of wool[6], and this arbitrary levy unfortified by parliamentary sanction met with resist-

[1] Hall, *History of the Custom Revenue of England*, i. 58, 64.
[2] *Ibid.* ii. 92.
[3] *Magna Carta*, c. 41; see *supra*, p. 449.
[4] Hall, *op. cit.* i. 66.
[5] The prise of wine was the right of purchasing a fixed quantity of wine at a certain price which was below the market price.
[6] And apparently 6 marks on the last of leather—but the term maltolte was applied to any arbitrary exaction: Hall, *op. cit.* ii. 169.

ance. In the *Confirmatio Cartarum* Edward I. was compelled to abandon his right of increasing the custom-revenues at will. The triumph of the baronage, the Church and the merchants, who had combined to force the king's hand, was at once a sign and a pledge of constitutional and economic advance. The native merchants were now protected from the arbitrary impositions of the Crown, though the king's revenue was still augmented, when need arose, by increased duties. But henceforth the increase was made by parliament, and the maltolte was replaced by the subsidy. Besides the subsidy on wool and leather, there was a subsidy on wine—imposed in addition to the prisage in kind paid by natives and the butlerage in money paid by aliens—called tunnage, and a subsidy upon general commodities known as poundage [1].

Nova custuma.

The king's rights over foreign merchants remained unaffected; and he was still in a position to levy undefined and irregular charges. However, aliens were not likely to come freely to these shores so long as their obligations were liable to capricious fluctuations, and it was also to the interests of a stable fiscal system that the custom-revenues should be settled on a proper basis. Accordingly in 1303 the king entered into an arrangement with merchant strangers, known as the *Carta Mercatoria*—the Magna Carta of foreign traders. This agreement [2] established the *Nova* or *Parva Custuma* by which aliens were required to pay ten shillings on a sack of wool, one and a half marks (twenty shillings) on the last of hides, a 'butlerage' of two shillings beyond the old custom on every tun of wine instead of the 'prisage' levied in kind, two shillings upon every scarlet or cloth dyed in grain, eighteenpence upon every cloth dyed partly in grain, twelvepence upon cloths without grain, and threepence in the pound on general merchandise plus the ancient custom. Although the new rates were heavier, they enjoyed two advantages over the *Antiqua Custuma*: they were paid in money and covered

[1] A subsidy represented an addition of at least 25 per cent. (*ibid.* i. 74). For tunnage and poundage, see *ibid.* ii. 146; and Atton and Holland, *The King's Customs*, i. 25.

[2] *Supra*, p. 451 (*n.* 7).

every kind of commodity. An attempt was made to extend the *Nova Custuma* to native merchants [1], when the king tried to win their consent to the commutation of the prisage of wine. But the English merchants refused and displayed considerable antagonism to Edward's financial expedients, inspired partly no doubt by the lavish concessions with which Edward had rewarded the compliancy of foreign traders. The weakness of his successor proved their opportunity, and in 1309 they were suspended by Edward II. and in 1312 abolished by the Lord Ordainers on the ground that they encouraged the settlement of aliens and raised the prices of commodities. "Foreign merchants", complained the Ordinances, "abide longer than they were wont to do", and "things become more dear than they were wont to be" [2]. Here the very charge is brought against aliens which was so often directed against native traders, namely, that they enhanced the prices of commodities. There was doubtless truth in the allegation that the new rates fell ultimately upon the consumer, and for this reason also parliament under Edward III. sought to check the king's practice of concluding separate arrangements with merchants. However in 1323 Edward II. marked his restoration to power by reviving the *Nova Custuma*, and they continued henceforth undisturbed. They were confirmed by act of parliament in 1353 [3].

Profits of jurisdiction.

The profits of justice constituted an important source of Crown revenue. Among the ancient Germans a system of pecuniary composition for crimes was already in existence; and the community allowed the offender 'to buy back the peace he had broken' and make an atonement with a money fine. The fine was always twofold: the *bot* or payment to the injured, called *wergild* in the case of homicide, and the *wite* or payment to the king. A fixed scale of pecuniary penalties was evolved for all offences save treason, and the amount of the fine varied according to the status of the injured and the nature of the offence. The older penalties

[1] Dowell, *Taxation*, i. 80; Hall, *Custom Revenue*, ii. 102.
[2] Hall, *Custom Revenue*, i. 89, 92, and Appendix, 208-209; *ibid.* ii. 137.
[3] Stubbs, *Constitutional History*, ii. 553.

attached to wrong-doing were completely superseded, whether outlawry, by which society made war upon the wrong-doer; or the blood-feud, by which the law left the offender at the mercy of the wronged. Subsequently the system of *bot* and *wite* died out, and was replaced by arbitrary amercements assessed at the discretion of the court. The growth of feudal tendencies in England was marked by the lavish alienation of Crown prerogatives, and grants of jurisdiction or the profits of jurisdiction were made to churches and individuals. After the Norman Conquest these tendencies received an immense impetus, and a struggle ensued between royal justice and private justice, in which the central court of the king gradually encroached upon the local courts until there was but one common law throughout the land.

Judicial reforms of Henry II.

The intervention of the Crown in provincial administration began with the movement to reserve criminal cases to the king alone as 'pleas of the crown'. Once the monopoly of criminal justice was established, the next step was to summon civil cases to Westminster whenever the suitor possessed the means of purchasing a writ, taking the case out of the lower courts for trial in the king's court. The reforms carried out by Henry II. completely reorganized the judicial system; he established the *curia regis* upon a new footing and made important changes in the machinery of government. His work was inspired by a dual motive, the desire to weaken the old feudal baronage which for a century had menaced the Norman dynasty, and at the same time to augment the financial resources of his Exchequer. The king dealt a deadly blow at the feudal system because he struck at its foundation, the private courts, and his resolution was stimulated by the consciousness that to transfer all judicial control into his own hands meant a great accession of revenue and power. Henry's design was to weaken the seigniorial courts by entering into competition with them for the acquisition of judicial business. He was the first king who made an organized effort to destroy feudal jurisdiction, and in order to accomplish this he admitted all suitors to his own court. But to attract litigants to the central court it was first necessary to carry out reforms in legal procedure;

justice must be cheaper and more reliable if the people were to prefer it to the seigniorial court. The Crown obtained the monopoly of criminal jurisdiction in the Assizes of Clarendon and Northampton, which ordered that all serious offences should be reserved for the king's judges who were enabled for this purpose even to enter private franchises. A system of writs was evolved, by which cases could be removed from a local court and tried in the king's court. Above all the inquest, that is, trial by jury, hitherto restricted to the king's own purposes, became the normal feature of legal procedure and a resource at the disposal of every litigant. The *curia regis* now ceased to be a court of exceptional resort confined to feudal tenants, and became an ordinary tribunal open to the whole realm. Its business became greatly enlarged, and Henry made various experiments to place it on a proper footing, and to give it a suitable organization with a definite composition and settled places and times of meeting. The most decisive result, perhaps, was the spread of common law, but here we are only concerned with his work in so far as it has a financial bearing. Henry's methods of government were decidedly autocratic, and in spite of the beneficial character of his reforms we can hardly hold that the despotism which he established was benevolent. The courts of law were turned into a vehicle for financial extortion. Fines were paid for speeding lawsuits, fines for delaying them and fines for stopping them[1]; and Magna Carta expressed the demand of the nation that henceforth justice should neither be sold nor denied nor delayed.

Other windfalls swelled the royal income from time to time. For a century after the Conquest a bitter struggle ensued between the Crown and the baronage, whose hopes of feudal independence were kept in check by the strong hand of the Norman kings. The real danger from the barons lay in their connexion with Normandy, which enabled them to fortify a rebellion in England by stirring up revolt in the continental possessions of the English king. The evil was met by expelling the great feudal nobles from their estates, or in default of a penalty so drastic by imposing very heavy

[1] Madox, *Exchequer*, 308-309, 314.

fines[1]. Among the occasional windfalls to revenue may also be reckoned the forfeiture of usurers' chattels[2]. In Normandy during the twelfth century a usurer was allowed to distribute his property with his own hand before his death; but in the absence of any testamentary disposition all his property passed to the king, if he could be proved to have lent money on usury within a year of his death[3]. In England, on the other hand, not only were presentments made in courts of law for excessive usury, but the Exchequer confiscated the chattels of those who lent money at interest. According to the doctrine laid down by Glanville, "the effects of a usurer, whether he make a will or not, belong to the king. Now it is not the practice for any one during his lifetime to be appealed or convicted of the crime of usury, but amongst other royal inquisitions it is usually inquired and put to proof who have died in this offence—by the oaths of twelve lawful men. Which being proved in court, all the movables and chattels belonging to the deceased usurer shall be seized into the king's hands, without any regard to the person in whose hands they may be found. His heir is deprived of the inheritance according to the law of the realm"[4]. The arguments by which the prohibition of usury—that is, the exaction of interest however small for a loan of money—was supported, rested ultimately upon the teaching of the Gospel to lend, hoping for nothing again, and the dictum of Aristotle that money was barren and could not bear fruit[5]. The doctrine of Aquinas based the condemnation of usury upon a distinction known to Roman law between absolute ownership and temporary possession. A loan of money was regarded as a sale in which ownership was immediately vested in the borrower, though the purchase price paid to the lender was deferred; hence to charge interest was to demand both the price of the commodity and payment for the use of it. Apart from the theory of

[1] *Pipe Roll*, 25 Hen. II. (vol. xxviii. 31). Gilbert, the son of Fergus, renders account of £1000, "pro habenda benevolentia regis."

[2] *Pipe Roll*, 23 Hen. II. (vol. xxvi. 79).

[3] *Calendar of Documents in France*, 478.

[4] Glanville, *De Legibus*, vii. c. xvi.

[5] Professor Ashley (*Economic History*, part i. c. 3 and part ii. c. 6) has given an admirable exposition of the mediaeval theory of usury.

Effects of its prohibition on society.

usury, there remains the more important question as to the effects of its prohibition on society. The indications for forming an opinion are admittedly scanty, but the evidence on the whole appears to point to the conclusion that the economic development of the Middle Ages was retarded by the usury laws. To uphold the contrary opinion, which is the more widely accepted, it would be necessary to suppose that opportunities for employing borrowed capital were exceptional, and therefore that the usury laws did not affect the peasant, the artisan or the trader. But these assumptions are hardly tenable; in the thirteenth century there are unmistakable signs that men traded on borrowed capital. At Leicester "it was . . . agreed by the community of the gild that all who are in this gild . . . shall be able to share profits with all from whom they shall have borrowed money, to the half, the third or the fourth part of the profit, as shall best be arranged between the lenders and borrowers"[1]. This ordinance referred to partnerships which were apparently legitimate[2], but it affords evidence that capital was certainly borrowed and employed for commercial purposes. Indeed in the wool trade, the tin trade and the cloth manufacture[3], among the Staplers and the Merchant Adventurers, there was no lack of suitable openings for moneyed men to finance large undertakings. It is true that England was primarily an agricultural country, but the view that mediaeval rural society stood still for centuries shows an imperfect appreciation of actual conditions and is misleading. There was much more room for the investment of capital, even in agriculture, than writers have recognized. In the first place the self-sufficiency of village life and the character of local markets have been exaggerated[4]. In the second place agriculture and land-holding were becoming commercialized; there existed a land-market among the peasantry in which holdings or fractions of holdings were exchanging hands freely, while the demesne and waste were often leased—signs of considerable commercial activity[5].

[1] *Records of Leicester*, i. 91.

[2] *Pipe Roll*, 22 Hen. II. (vol. xxv. 15) records a fine paid for a partnership: "that the king may allow a partnership between them for their goods." [3] *Supra*, p. 412 *seq.* [4] *Supra*, p. 76. [5] *Supra*, p. 116.

Moreover, the customary system of tillage was breaking down under the gradual spread of enclosures and individualistic husbandry. In all these directions capital was needed for renting additional land, stocking it with cattle, putting up hedges and buying out other men's rights of common. Even in the fourteenth century there was a quickening of economic life and rural activity, although it becomes more marked in the fifteenth century. No doubt over a great part of England there was complete stagnation, and the customary routine of agriculture remained unbroken. This does not affect the contention that in agriculture, industry and trade there were pioneers of economic progress and opportunities for capitalist enterprise and productive expenditure. No doubt the rates of interest were high, but this was directly due to the mistake of condemning all interest instead of excessive interest. Where the taking of any interest at all was a crime, the lender required a substantial inducement to face the risk; and when money was lent secretly the borrower was the first to suffer. The free play of competitive forces would have reduced the rate of interest to a fit and proper level, and merchants could have been trusted to protect themselves from oppression. The careers of men like William de la Pole, Thomas de Melchburn and Walter de Cheriton, who lent money to Edward III.[1], revealed the existence of a native body of financiers in the fourteenth century, whose banking operations were largely if not entirely excluded from a fruitful field of investment, unless they were prepared to share in the risks of commercial speculation. Even in the twelfth century we meet with William Cade, "a Christian usurer, the first one known to us who worked on a large scale; we might almost call him the first English financier of whom record has been found"[2]. An act was passed against usury in 1487[3], but in 1545 it was stated that statutes against usury had been "of little force and effect", and they were therefore repealed, interest

[1] S. B. Terry, *The Financing of the Hundred Years' War* (1914), 101; A. Law, "The English Nouveaux-Riches", in *Trans. Royal Hist. Soc.* N.S. ix. 63; H. R. F. Bourne, *English Merchants* (1886).

[2] H. Jenkinson, "William Cade", in *English Hist. Review*, xxviii. 209, 730.

[3] *Statutes*, ii. 514.

being fixed at ten per cent.[1] The strictness of the usury laws prompted an inevitable recourse to systematic evasion; and in the thirteenth century the Caursines especially earned an unenviable notoriety. As a *societas* they were able to escape punishment, for in canon law the offence of usury could only be brought home apparently to individuals. Alvarus Pelagius writing in the following century raised the question: "What is the case of cities or associations that give money on usury? Is each person in them a usurer and bound to restitution?" And he replies: "It seems not, for the case of a *universitas* is not the case of the individuals who compose it"[2]. The usury laws were the more short-sighted, for at a time when the supply of currency was insufficient[3] they combined with the prevailing sense of insecurity to induce men to hoard their treasure, or convert it into plate, instead of freely circulating it from hand to hand. Landowners especially suffered from the scarcity of money. When the lord of Berkeley travelled to London in the thirteenth century, he kept two of his servants to bring bread from Essex, "rather than he would to the market or baker to buy for money"; and on his journeys he carried oats for his horses' provender "to save the expenses of his purse"[4]. Even two centuries later Lady Berkeley could write to her husband: "At the reverence of God send money, or else I must lay my horse to pledge and come home on my feet": her lord thereupon borrowed twenty-two marks and pledged as security "one gilt mass-book, a chalice of silver weighing eighteen ounces, and a chasuble"[5]. The correspondence of the Plumpton family reveals pathetic glimpses of the straits to which they were reduced. "We are brought to begger-staffe", wrote the wife of Sir Robert Plumpton[6]; "I have sent to Wright of Idell for the money that he promised you, and he saith he hath it not to lend and makes excuses, so that I can get none nowhere. And as for

[1] *Statutes*, iii. 996. Repealed *ibid.* iv. part i. 155 (1552).

[2] *De Planctu Ecclesiae, cit.* R. J. Whitwell, "Italian Bankers and the English Crown", in *Trans. Royal Hist. Soc.* N.S. xvii. 209.

[3] Shaw, *History of Currency*, 14.

[4] Smyth, *Lives of the Berkeleys*, i. 167.

[5] *Ibid.* ii. 63.

[6] *Plumpton Correspondence*, ed. T. Stapleton (1839), 198.

wood, there is none they [the dealers] will buy, for they know you want money, and without they might have it half for naught they will buy none". She sends to her husband all she can muster, a sum of three or four shillings. But with the accession of Elizabeth, England entered upon a new stage in her national development and the usury laws broke down completely before the great expansion of her industrial and commercial activities.

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